

A N
EXPOSITION OF CER-
taine difficult and obscure words,
and termes of the Lawes of this Realme, newly set
forth & augmented, both in French
& English, for the help of such yong
Students, as are desirous to
attaine to the know-
ledge of the
same.



AT LONDON
Printed by th'Afsignee of Charles
Tetswirt Esq. deceased,

Cum privilegio Regiæ
Majestatis.

1595.

35. c. 34.



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Termes of the Law.

i

1. Abatement of a writ
or plaint.

A Batemēt of a writ
or plaint, is when
an actiō is brought
by writ or plaint,
wherein is lacke
of sufficient and good
matter, or els the matter
alleged is not certainly
set downe, or if the plain-
tife or defendant, or place
are misnamed, or if there
appeare variance be-
twene the writ and the
specialtie or recozde, or
that the writ or the de-
claration be vncertaine,
or for death of the plain-
tife or defendant and for
diuers other like causes,
then byō those defaults,
the defendant mappay, &
the writte or plaint may
abate, that is to say, that
the plaintiffs suit against
him, may cease for that
time, & that he shal begin
again his suit, and bying
a newe writ or plaint if
he be so disposed to doe.
But if the defendant in
any action plede a matter
in barre, for to adnull the

Abatement de brieſe
ou plaint.

A Batement de bře
ou plaint est quāt
vn action est port
per brieſe ou
plaint en q̄ fault
sufficient & bon matter,
ou autrement le matter
alleage, nest certainement
alleage, ou si le plaintife,
ou defendant, ou lieu
sont misnom, ou sil ap-
pere variance perenter le
brieſe & le specialtie, ou
record, ou que le brieſe
ou declaration sont vn-
certeine, ou pur mort
del plaintife, ou defen-
dant, & pur diuers auters
semblable causes, donq;
sur ceux defaults, le def.
poit prie que le brieſe ou
plaint abatera, cest adire,
que le suit del pl. enuers
luy cessera pur cest tēps,
& q̄ al commencer a au-
ter temps son suit & port
vn nouel brief ou plaint,
sil soit isint dispose a
faire. Mes si le def. in af-
cun action plead vn matē
in barre pur adnuller le
A.1. action

The exposition of

action a tous iours, il ne viendra apres a pled' in abatement de bñ, mes si apres il appiert in le Record q̄ est ascun matt' apparant pur que le bñ doit estre abat', dōq. le def. ou asc' aut' pson, vt amic' curia poit bñ plede & mfeceo in arrest de iudgement.

Veies les titles de brief, Misnomer, & variance en les Abridgements, & le liuer appel le Digests del briefes, in quel est fort bñ entreat especialment de ceux matters.

action for euer, he shal not come after wards to plede in abatiment of the writ, but if after it appere in þ record, that there is some matter apparant, for the which þ writ ought to be abated, then þ def. or any persō as a frind to þ court may well plede & shewe þ in arrest of indgement.

See the titles of writ, Misnomer & Variance in the Abridgements, and the book called the Digests of writs, in which it is very well entreated, especially of these matters.

	Fault de	{	sufficient ou bone	} matter	
	Le matter nest certainment alledge				
	plaintife	{	est Misnomer		
	defendant				
	ou lieu				
Abatement de bñ ou pleint.	{	variance enter	{	Briefe Specialtie ou Record	
		uncertaincie del		{	Briefe Court ou declaration
		Mort		{	Plaintife ou defendant

Abatement en terres

Abatement en terres ou
tenants est quant vn hōe

Abatement in lands.

Abatement in lands or
tenements is whē a mā
dieth

bieth leased of lands or tenements, & one þ̄ hath no right entreteth into þ̄ same lands or tenements before þ̄ heire maketh his entry, this entry of him is called an abatement, & he an Abator. But if the heire enter first after þ̄ death of his auncetor, & the other enter vpon þ̄ possession of þ̄ heire, this entry of him is a disseisin to the heire. Look in þ̄ book of entries fo. 63. c. & 205. d. & 519. c. where this word Abatement is called in latin, Intrusio, And I think it better to call it in latin Interpositio, or Intratio per interpositionem, to make a difference betwene this word & intrusion after þ̄ death of the tenat for life.

Abbot. An Abbot was þ̄ soueraigne head, or chiefe of those houses, which wher they good were called Abbies, & this Abbot together w̄ þ̄ monks of þ̄ same house, who were called þ̄ couent made a corporation: such a soueraigne of any such house shal not be charged by þ̄ act of his predecessor,

norust seisi de terres ou teints, & vn que n'ad droit entra en melmes les tres, ou teints, deuant q̄ le heire fait son entrie, cest entrie de luy est appel vn abatement, & il vn abator. Mes si le heire enter primes apres le mort de son auncetor, & le aut. enf sur le possession del heire, cest entre de luy est vn disseisin al heire. Vide luer dentres fo. 63. c. & 205. d. & 519. c. lou cest abatement est appell en latin Intrusio, Et ico entende destre melius de appeller ico in latin Interpositio ou Intratio per interpositionem de faire difference inter ceo & Intrusio puis mort tenant pur vie.

Abbot. Abbe fuit le soueraigne teste ou principall de ceux meafos quux quant ils fuerent, fuerent appell Abbies, & ce. abbe ensemble oue les Moygues de m̄ le meafon, quux tuel appel le couent fier vn corps, & tiel soueraigne de ascun tiel meafon ne serit charge par act. de son predecessor,

The Exposition of

sil ne soit p cōmon seale,
ou p tiel chose que vient
al vſe de ſon meſon. Aux
abbe ne ſerra charge pur
le det en q ſon comoigne
fuit inder deuant ſon en-
tre en religion, mes q le
creditor ad de ceo vn eſ-
pecialty, ſinon q il auoir
deuenus al vſe de ſō me-
ſon, mes les executors de
comoigne ſerra charge
oue ceo.

Vide pur ceo in le A-
bridgint in title, de ſouth
quel veies cōnt aſcūs de
ceux fueront electiue, aſe
preſentatiue, Et cōnt fu-
eront preſect, & lour auc-
thority, & en cel title ſōt
auxi comprehendz tous
autres corporations ſpi-
rituall, come prior & ſon
couent, Frieres & Canōs,
Deane & Chapter.

¶ Abbettors.

Abbettors ſont in diūs
caſes diuerſint priſe vn
kinde de abbettors ſont
ceux que maliciouſint ſas
droitur cauſe ou deſert p-
euf auts de ſuer faux ap-
peals de murder, ou ſelo-
nie enuers hōes al entent
de troubl' & grier eux &

if it be not by cōmon ſeale
oz for ſuch thingz which
commerth to the vſe of his
houſe. Also an abbot ſhall
not be charged for the det
of his Monke beſore his
entre in religion, though
the creditor haue an ſpe-
cialtie thereof, except that
it haue come to the vſe of
his houſe, but the execu-
tors of the Monke ſhalbe
charged therewith.

Look for this in the A-
bridgments the ſame ti-
tle vnder which you ſhall
ſee that ſome of the ſwere
electiue, ſome preſentatiue,
And how they were in ſer-
uice, and their au-
thority, and in this title
are alſo comprehended all
other corporations ſpiri-
tual, as Prior and his co-
uent friers and Canons,
Deane & Chapter.

¶ Abbettors.

Abbettors are in diuerſ
caſes ſomer tyme take one
kind of abbettors are they
maliciouſly ſhout iuſt
cauſe oz deſert do procure
other to ſue falſe appeals
of murder oz felonie a-
gainſt men to the intēt to
trouble & grieve them, and

to bring them to infamy & slander. Abbettours in murders, are those that command, procure, counsel, or comfort others to murder. And in some cases such abbettours shall be taken as principals, and in some case but as accessories. So in other felonies. And their presence at the deed doing, & their absence maketh a difference in the case. There are abbettours also in treason, but they are in case as principals, for in treason there are no accessories.

Take more in the booke called the Plees of the Crown made by the right worshipfull Judge Sir W. Stamford in the titles of Accessories & damages in appeale.

Abeiance.
A Beiance is whē a lease is made for terme of life, the remainder to the ryght heires of J. S. which J. S. is living at the time of the graunt. Now by this graunt the remainder passeth from the graunter present, yet it besteth not present-

pur faire eux en infamy & slander. Abbettors in murder sont ceux que command, procure, conseil ou confort auters de murder. Et en ascun case quel abbettors seront prises come principals & en ascun case forsique come Accessories: Usint en auter felonies, Et leur presence a le chose fait, & leur absence de la, fait vn difference en le case. Il y ad abbettours auxi en tresor, mes ils sont en cas come princ, car en treas. il ny ad aucun accessories.

Vies plus de ceo en le lieur appel les Plees del Crowne compile per le treseuerer ludg Sir W. Staf. en les titles de Accessories & damages en appell.

Abeiance.
A Beiance est qnt vn lease est fait pur terme de vie le remainder al droit heires de J. S. le quel J. S. est en vie al temps del grant, Ore per cest grant le remainder passa hors del grantor maintenant, vncore il ne vesta main-
A. iij. tenant,

The Exposition of

tenant, ne prist effect en le
grantee, cest adire le droit
heire de I. S. mes est dit
deste en abeiance, ou come
les Logiciens appelle ceo
in potentia, ou in intel-
lectu, & come nous diso-
mus in nubibus, cest assa-
noir, en le consideration
de le ley, Que si I. S. mor-
rust eyant vn droit heire
en vie, & viuant le lessée
pur vie, donques ceo est
vn bone remainder, & a
ore veste & vient en le dit
droit heire, en quel sort que
il poit graunt forfait ou
auterment dispose ceo, &
cessa deste ore en abey-
ance, pur ceo que il est vn
a ore de abilitie pur pren-
der ceo, pur ceo que I. S. est
mort & ad relinquish vn
droit heire en vie, le quel
ne poit estre viuant I. S. car
durât son vie nul poit pro-
perment estre dit son heire.
Itē si vn home soit patron
dun esglise, & present au-
ter a ceo, Ore est le fee des
terres ou tenements per-
teignant al rectory en le
person, mes si le plon mor-
rust & le esglise est de-
uenus void, donque est le

ly, nor taketh hold in the
grantee, that is to say, the
right heire of J. S. but is
said to be in abeyance or
els as the Logicians
term it in power, or in
vnderstanding, and as we
say in the cloues, that is
to wit, in the considerati-
on of the law, That if J.
S. dye having a right
heir, & living the lessor for
life, then this is a good re-
mainder, & now vesteth &
cometh into the right
heire in such sort, as that
he may graunt, forfait or
otherwise dispose & same,
& ceaseth to be any more
in Abeyance, for that there
is one now of abilitie to
take it because that J. S.
is dead, & hath left a right
heire in life, which could
not be living J. S. for
during his life none could
properly be said his heire.
Also if a man be Patron
of a Church, and presen-
teth one to & same. Now
is the fee of the landes
and tenementes pertey-
ninge to the rectorie in
the parson, but if the par-
son die and the Church is
become void, then is the
fee

fee in abeyance, untill there be a newe Parson presented, for the patron hath not the fee, but onely the right to present, and the fee is in the incumbent that is presented, & after his death, it is in no body but in abeyance, till there be a new incumbent as is aforesaid,

See Lit. his 3. booke cap. 11. fol. 145. And Park. fol. 12.

6 Abisherling.

A Bisherling (& in some copies Misherling) is to be quit of amerciaments before whō soeuer of transgression proued.

7. Abiuration.

A Biuration is an oth that a man or woman shall take w^{ch} they haue committed felony, & sic to the Church or churchyard, or to any other place prouided for safegarde of their liues, choosing rather perpetual banishment out of the realm, thē to stand to the law & to be tried of the felony, in which case before the Coroner he shall make such confession, which may

fee en abeyance, tanque il soit vn nouel Parson present, car le patron nād le fee, mes solumēt le droit de presenter, & le fee est in le incumbent, que est present, & puis son mort, il nest en aucun mes en abeyance, tanque il soit vn nouel incumbent come est auant dit.

Veyes Lit. lib. 3. Cap. 11. Fol. 145. Et Park. fol. 12.

Abisherling.

A Bisherling (& in ascun copies Misherling) hoc est quietum esse de amerciamētis corā quibuscunq; de transgression probata.

Abiuration.

A Biuration est vn serement, q̄ home ou feme preynont quant ils ont commisse felonie, & fue al Eglise ou cemitorie, ou autre lieu priuledge pur tuitiō de lour vyes, elysāt pluistost ppetual banishment hors de Realme, que a estoier a le ley, & deitrie del felony. En cel case deuant le Coroner il ferra uel confelsion que puis

A.iiij.

fayre

The exposition of

faire sufficient endyte-
 ment de felony, donques
 le Coroner al common
 ley luy ferra de abiure la
 Realm et assigne a luy
 quel port il alera et luy
 iura que il ne va hors del
 haut chymyn & que il ne
 demorra en le port, (sil
 poit auer bone passage)
 forsq; vn flood & vn ebb,
 & sil ne poit auer passage,
 que il alera chescun iour
 durant xl. iours in la
 meare a son genu, Mes si
 tiel felon que abiure, a-
 la hors de la chemine &
 fue a auter lieu, si il soit
 prise, il ferra amefne de-
 uant le Iudge, & la aue-
 ra iudgement destre pen-
 dus. Mes sil que issint
 pria la priuledge ne voil
 abiure, donques il aue-
 ra la priuledge pur xl.
 iours & chescun poit luy
 doner vyande. Mes si
 ascun doner luy vyande
 apres xl. iours, mesque
 il soit sa femme, tiel do-
 ner est felonie, Auxy ce-
 luy que abiure ferra de-
 liuer per vn Constable
 a l'auter, & de vn fran-
 chise a l'auter, tanque

make a sufficient indite-
 ment of felony, then the
 coroner at the common law
 shall make him to for-
 sweare the Realm, & shal
 assigne him to what port
 he shal goe, & shal sweare
 him & he go not out of the
 high way, & & he shoulde
 not abide at the port (if he
 may haue good passage)
 but one flood & one ebbe, &
 if he cannot haue passage,
 then he shall go euery day
 during xl. daies in the sea
 to the knees, but if such a
 felon as abiureth go out
 of the hie way & firth to
 another place, if he be ta-
 ken he shalbe brought be-
 fore the iudge & there shal
 haue iudgement to be ha-
 ged. But if he which so
 prayeth the priuledge wil
 not abiure, then he shall
 haue the priuledge for xl.
 daies, & euery man may
 giue him meate & drinke.
 But if any giue him sus-
 tenance after xl. daies al-
 though it be his wife, such
 giuing is felony. Also he
 that doeth abiure shall be
 deliuered from one Con-
 stable to another, & from
 one franchises to another, in
 that

that hee come to his port,
and if the Constable will
not receiue him, he shalbe
griuously amerced. And
the othe in the Treatise
de Abiuratione Latronū.

And this law was insti-
tuted by S. Edward the
Confessor, a king of this
Realme befoze the Con-
quest, and was ground-
ed vpon the law of mercie, &
for the loue & reuerence
no doubt that he & other
his successors did beare
vnto the house of God, or
place of prayer and admi-
nistration of his word &
sacraments, which we call
the Church. Note this
law is now changed by
the statutes 21. H. 8. ca. 12.
22. H. 8. ca. 14. and 32. H.
8. cap. 13. by which it ap-
peareth, that he at this
day shall not abiure the
Realme, but at his libertie
of this Realme, and at his
liberall and free habitati-
ons, resorts and passages
from all places of this
Realme, to one certaine
place in this realme thereto
limited by 32. H. 8. ca. 13.
& 33. H. 8. ca. 15. Look
more in Stamf. li. 2. ca. 10.

il vient a son port, & si le
Constable ne voit receiue
luy, il serra greuouslyment
amerce. Vide iuramen-
tum in tractatu de Abi-
iuratione Latronum.

Et cest ley fuit institute
per S. Edward le Confes-
sor, vn Roy de cest realme
deuant le Conquest, &
fuit grounde de le ley de
mercie, & pur le amour
& reuerence sans doubt,
que il & autres ses suc-
cessors porteront al mea-
son de Dieu, ou lieu de
praiers & administration
de son parol & sacra-
mets, le quel nous appel-
loms, le Esglise. Nota
cel ley est ore change per
statutes 21. H. 8. ca. 12,
H. 8. ca. 14. & 32. H. 8. ca.
12. Per queux appiert que
il a cel iour ne abiurera
le realme, eins tout son
libertie de cest realme, &
de son liberal & frāk ha-
bitations, resorts & pas-
sages de tous lieux de
cest realme, a vn certaine
lieu en cel realme a ceo
limit per 32. H. 8. cap. 13.
& 33. H. 8. ca. 15. Vide
plus inde Staf. li. 2. ca. 10.

The exposition of

8. Abridgement de plaiur
ou demaund.

A Bridgmēt de plaiut ou demand est lou vn port vn Assise, brief de dower, brieſe de garde, ou tiel ſemblables, ou le brief de Assise est, de libero tenēto, come en brieſe de dower, le brief est, Rationabilem dotem quæ eā cōtingit de libero tenemento, w. ſon baron. En en vn brieſe de gard le brieſe est custod' terrarum & hered' &c. & le pl' ou demaundant, demaund diuers acres, ou parcells de terre, & le tenaunt plede Nontenure, ou ioyn tenancy, ou aſcun autre tiel ſemblable plee a parcel del terre demaund, en abatement del brieſe, dōques le plaintiſe ou demaundant poit abridger ſon plaiut, ou demaund al ceſt parcel, ceſt adire, il poit omit hors ceſt part & prie q̄ le tenant reſpondra a reſt a que il ne ad vncore pled' aſcun choſe. Le cauſe est pur ceo q̄ en tiels brieſes le certainty neſt miſe, mes demaund est generalment de libero tenēto; & nient

Abridgement of a plaiut
or demaund.

A Bridgement of a plaiut or demaund is where one bringeth an ass. writ of dower, writ of ward or such like where ſ writ of Assise is, De libero tenēto, as in a writ of dower, the writ is, Rationabile dotē quæ eā contingit de libero tenemento w. her husband And in a writ of ward the writ is Custod' terrarū & heredis &c. & the plaintiſe or demaundant, demaundeth diuers acres or parcels of land, & the tenaunt pleadeth Nontenure, or iointenancy or some other such like plea, to parcel of the land demaunded in abatement of the writ, then the plaintiſe or demaundant may abridge his plaiut or demand to that parcel, ſ is to ſay, he may leave out that parte & pray that the tenaunt shall answer the rest to which he hath not yet pleaded any thing. The cauſe is for ſ in such writs, the certainty is not set downe, but the demaund runneth generally, de libero tenemento, & notwithstanding

standing the demandant hath abridged his plaint or demand in part, yet the writ remaineth good still de libero tenemento for y^e rest.

9 ¶ Accedas ad Curiam.

Accedas ad Curiam is a writ directed to the shirife, commanding him to go to such a court of some lord or franchise where a plaint is sued, for taking of beasts as a distresse, or any false iudgment is supposed to bee made in any suite which hath been in such a court which is not a court of record, and that the shirife that there make record of the laide suite in presence of the suitors of the same Court, and of foure other knights of the Countie, and certifie in to the kings court, and at that day that is limited in the writ.

10. ¶ Acceptance.

Aceptance is a taking in good part, & as it were an agreeing vnto some act done before, which might haue bin vndon & avoided (if such acceptance had

obstant le demandant ad abridge son plaint ou demand en part, vncore le brieve demurre bon de libero tenemento pur le residue.

¶ Accedas ad Curiam.

Accedas ad Curiam est vn brief direct al vicont, luy commaundant daler a tiel court dascun seignior ou franchise loui vn plaint est sue pur prisel del auers come distresse, ou alcun faux iudgment est suppose destre fait en alcun suit que fuit en tiel court, quel nest court de record, & que le vicont la ferra record del dit suit en presence del sutors de mesme le Court, & de quatuor autres chivalers del Countie, & ceo record certifier al court, & a cel iour quel est assigne en le brieve.

¶ Acceptance.

Aceptance est vn prendans en bon gree, & come vn agreement al alcun chose fait deuant, le quel poit este auoide & vnfaire (si tiel acceptance nad

The exposition of

mad'estre) per luy ou ceux
que ilsunt accepta, sicome
pur exemple: si vn Euesque
deuant primo Eliz. lesse
terre parte del possessions
de son Euescherie pur ans
reseruant rent & morust,
& puis vn autre est fait E-
uesque, le quel accepta,
cest adire, pruit on receue
le rent quant il est & doit
estre pay, ore per cest ac-
ceptance le lease est fait
perfect & bon, le quel au-
terment le nouel Euesque
pour aslets bien auoid &
faire frustrate.

Semblable ley est; si vn
home & sa femme lessent
terres en droit del femme
ioin & sont leas ou less-
ment per fait reseruant
rent, & le baron morust,
el acceptent ou receyvent
rent, per cel le feoffement
ou lease est fait perfect &
bon, & serra barre a luy
de porter sa brief appel
Cui in vita.

Accessories.

Accessories sont en deux
sortes, lun auant le
fact, le autre puis le
fact fait. Accessorie

not bin) by him or them
that so accepted. As for
example: if a Bishop be-
fore primo Eliz. lease part
of the possessions of his
Bishopricke for terme of
years reseruing rent and
mortality, and after an other
is made Bishop, who ac-
cepteth, that is to say, re-
ceiveth or receiveth the rent
when it is due and ought
to be paid, now by this
acceptance the lease is
made perfect and good,
which els the new bishop
might verie well have a-
voided & made frustrate.

The like law is, if a man
& his wife seised of land
in the right of the wife
doine or make lease by less-
ment in dede reseruing
rent, and the husband dy-
eth, the accepteth or re-
ceiveth the rent, by this
the feoffment or lease is
made perfect and good, &
shal barre her to bring her
suit called Cui in vita.

Accessories.

Accessories are in two
sorts, the one before the
offence, the other after the
offence is done, Accessorie
before

before the fact or offense is he that commandeth or procureth an other to doe felonie, & is not there present himselfe when the other doth it, but if he be present then hee is also principal. Accessorie after the offense is hee that receiveth, fauoureth, aideth, assisteth or comforteth a nie mā that hath don any murder or felony whereof hee hath knowledge, such an accessorie shalbe punished, and shal haue iudgement of life and member aswell as the principall which did the felonie; but such an accessorie shal neuer be put to that till the principall bee attaint or conuict, or bee outlawed thereupon. But a woman in such case shal not be accessorie for helping her husband: in great or high Treason aswell the commanders as the assistants & receivers after be alwaies principals.

Also one may be accessorie to an accessorie, as if one feloniously receiue an other that is accessorie to felonie, there the receiuer

deuant le fait est celui que commada ou procura auter de faire felony, & nest la present luy mesme quant l'auter le fait, mes sil soit present donques il est auxy principal. Accessorie puis le fait est celui que receiua, fauora, aida, alsist, ou comfort aucun home que ad fait aucun murder ou felony, dont il ad conusance, tiel accessorie serra punish, & auera iudgement de vie & de member, auxy bien come le principal que fist le felonie: Mes tiel accessorie ne serra iammais mis a responder a ceo tant que le principal soit conuict ou attaint, ou soit vtlage de ceo. Mes vn femme en tiel case ne serra accessorie pur le aider de son baron: en grande ou hault Treason sibien les commanders, come les assistants & receiueurs aps sōt tous foits principals.

Auxy vn poit estre accessorie al accessorie, sicōe vn feloniousmēt receiue vn auter q̄ est accessorie al felonie, la le receiuer

est

The Exposition of

est vn accessorie.

Veies plus del accessorie en le dit Lteur de les Plees del Crowne, le premier lieur, cap. 44. 45. 46. 47. 48. 49. & 50.

is an accessorie.

See more of accessorie in the said Booke of Plees of the Crown the first booke, cap. 44. 45. 46. 47. 48. 49. & 50.

12 ¶ Action.

Action est le forme de vn suit done per le ley de recouer chose, come action de dette & tiels semblables.

Vide Lexicon Iuris pur action.

¶ Action.

Action is the forme of a suit giuen by the lawe to recouer a thing, as an action of debt and such like.

See the Lexicon of the law for action.

13 ¶ Actions personnels.

Actions personnels sont tiels actions pur queux home claime det ou autre biens & chateux, ou damage pur eux, ou damage pur tort fait a son person, & est properment cel que en le Ciuil ley est appel Actio in personam, que aduersus eum intenditur, qui ex contractu vel delicto obligatus est aliquid dare aut concedere.

Actions personnels.

Actions personnels be such actions wherby a man claimeh debt or other goods and chattels, or damage for them, or damages for wrong don to his person, and it is properly that whitch in the Ciuil law is called Actio in personam, whitch is brought against him, who is bound by conenant or default to giue or grant anie thing.

14 ¶ Actions reals.

Actions reals sont tiels actions per queux le demandant claime title al

¶ Actions reals.

Actions reals be such actions wherby the demandant claimeh title to any

any lands or tenements,
rents or commons, in fee
simple, fee taile, or for
terme of life.

ascun terres ou tenemens
rents ou commons, in fee
simple, fee taile, ou pur
terme de vie.

15 **A**ction populer.

Action populer is an ac-
tion which is giue vp-
on the breach of some pe-
nal statute, the which ac-
tion enery man that will
may sue for himsele & the
Quene, by information
or otherwise, as y statute
alloweth, and the case re-
quireth. And of these ac-
tions there be an infinite
nuber, but one for exam-
ple is: when any of the
Jury that are impanelled
& sworn to passe betweene
partie and party indiffe-
rently, do take any thing
of the one side or other, or
of both parties to say thei
verdicts on that side, then
any man that wil within
the yeere next following
the offence made, may sue
a writ called Decies tan-
tum, against him or them
that so did take to giue his
verdict, & because y this
action is not giuen to one
specially, but generally to
any of the Q. people as

Action populer.

Action populer est vn
action q est done sur
le breach dascun penal sta-
tute, le ql actio chesc' hoie
q voit poit suer pur luy n
& le Roigne, p informa-
tion ou autrement, come le
statut allow & le case re-
quire. Et de ceux actiōs il
y ad infinite number, mes
vn pur exemple est: Quāt
ascun del Iurie que sont
impanel & iurus de pas-
ser perenter partie & par-
tie indifferentment, prist
ascun chose de lun part
ou laut, ou de ambideux
parties pur lour verdict
dire al ceo part, donques
ascun home q voit deins
lan procheine ensuant le
offence fait, poit suer vn
briefe appel Decies tantū
enūs luy, ou ceux q isint
prist pur lour verdict dire,
& pur ceo q cest action
nest don al vn hoie speci-
almt, mes generalment al
asc' de les peopl' del R. q
voit

The exposition of

Voit fuer, il est appell vn
Action populer, mes en
cel case, quant vn auoit
commence de purfuer cel
action, nul autre poit ceo
fuer, & en ceo come
semble cel varie del acti-
on populer per le Ciuil
ley.

will sue, it is called an
Action populer, but in
this case when one hath
begun to pursue an actio,
no other may sue it, and in
this as it seemeth this
doth varie from an acti-
on populer by the Ciuil
law.

16 Action mixt.

Action mixt est vn suit
done per la ley de re-
couer le chose demaund,
& auxy damages pur le
tort fait, come en Assise
de Nouel disseisin, quel
brieve (si le disseisor fait
feoffment al autre) le dis-
seisee auera vers le dissei-
sor & le fessce ou autre
terre tenant, & en ceo re-
couera son seisin del terre
& ses dammages pur le
mean pñits, & pur le tort
a luy fait. Et issint est vn
action de Wast & Quare
impedit. Mes vn actio de
Detinu nest appel action
mixt, comt p ceo le chose
detenus est demaund, &
serra recouer si poit este
troue, & damages pur le
detain, & si ne poit estre
troue, dōq; damages pur

Action mixt.

Action mixt is a suit gi-
uen by the law to reco-
uer the thing demanded,
and also damages for the
wrong done, as in Assise
of Nouel disseis. the which
suyt (if the disseisor make
a feoffment to an other)
the disseisee shall haue a-
gainst the disseisor & the
fessce or other land tchāt,
& therby shall recouer his
seisin of the land & his da-
mages for the mean pro-
fits, & for the wrong done
vnto him. And so is an
actio of wast & Quare imp.
But an action of Detinu
is not called an actio mixt
although by it the thing
withheld is demanded, &
shalbe recovered if it may
be found, & damages for
withholding, & if it canot
be found, then damages for
the

the thing and the rety-
ning. But that is called
onely an action personall,
because that it should bee
brought only for goods &
chattels.

la chose & la detainer.
Mes ceo est appell sole-
ment action personall
que serra port solement
pur biens ou chattels.

17 Action of a writ.

Action del brieve.

Action of the writ, is a
phrase of speech vled
when one pleadeth some
matter, by which he shew-
eth that the plaintife
had no cause to haue the
writ which he brought, &
yet it may be, that he may
haue another writ or ac-
tion for the same matter:
such a plea is called a plea
to the action of the writ,
whereas if by the plea it
should appeare, that the
plaintife hath no cause to
haue any action, for the
thing demaunded, then
it shal be called a plea to
the action.

Action del brieve est vn
phrase del parlance,
vse quant vn plede alcun
matter, per que il mon-
stre que le plaintife nad
cause dauer le brieve que
il port, & vncore poit
este que il poit auer au-
ter brieve ou action pur
mesme le matter: uel plee
est appell plee al action
del brieve, lou si pet la
plee appiert que le plain-
tife naueroit alcun cause
de auer alcun action pur
le chose demaund, doncs
ceo serra dit plee al ac-
tion.

18 Action vpon the
case.

Action sur le
case.

Action vpon the case, is
a writ brought against
one for an offence done
wout force, as for not per-
forming promise made

Action sur le case est br
port enuers vn pur
alcun offence fait sans
force, come pur nient p-
formace del promise fait

B.1.

pet

The exposition of

per le defendant al plain-
tife ou pur parlanee des
parolles per queux le
plaintife est defame, ou
pur auter misdemeanor
ou disceit, lou tout le
case serra contenu en le
brieve.

by the defendant to the
plaintife or for speaking
of wordes, by which the
plaintife is defamed, or
for other misdemeanor or
disceit, where the whole
case shall be contained in
the writ.

19. Action sur le statute.

Action sur le statute est
brieve foundue sur as-
cun estatute, lou per as-
cun estatute vn action
est done a vn en, ascun
case lou nul tiel action
fuit deuant: Come lou
vn commit periurie al
preiudice dun auter, ce-
stuy que est dampnific
auera brieve sur le sta-
tute & son case. Et le
difference enter action
sur le statute & action
Populer est, que lou le
statute done le fuit ou
action al partie griue,
ou autrement, a vn per-
son certaine, ceo est ap-
pell Action sur le Sta-
tute: Mes lou per le sta-
tute auctoritie est done
a chescun que voyle de

Action vpon the statute.

Action vpon the statute
is a writ founded vpon
any statute, where by a-
ny statute an action is
giuen to one in any case
where no action was be-
fore: As where one com-
mitteth periurie to the
preiudice of another, he
which is indamaged shal
haue a writ vpon the sta-
tute and his case. And the
difference between action
vpon the statute and
action Populer is, that
where the statute giueth
the suite or action, to the
partie griued, or other-
wise to one person cer-
taine, that is called ac-
tion vpon the statute:
But where by the sta-
tute auctoritie is giuen
to every one that wil
to

to sue, that is termed ac-
tion popular.

suer, ceo est appell ac-
tion populer.

Accompt.

A Ccompt is a writt and
it lyeth where a Bai-
life or a Receiuer to a
ny Lord or other man,
which ought to render
accompt, will not giue
his accompt, then hee to
whom the accompt ought
to be giuen, shall haue
this writte. And by
the Statute of West-
minster 2. Chapter 10.
if the Accomptant bee
found in arrearages, the
Auditors which bee as-
signed to him, haue po-
wer to award him to pri-
son there to abide till he
haue made agrement to
the partie, But if the
Auditors will not al-
lowe reasonable expence
and costes, or if they
charge him with more re-
ceites then they ought,
then his next friend that
will sue for him, shall
sue a writte of Ex parte
talis out of the Chancery
directed to the Shyrlife to

Accompt.

A Ccompt, est vn briefe,
& gist lou Bailife ou
receiuer dascun Seignour
ou dauter home, que
doit render accompt, ne
voit son accompt ren-
der, donques celuy a
que laccompt doit este
rende, auera cest briefe.
Et per lestatute de West-
minster 2. Capitulo 10.
si laccomptant soit troue
in arrearages, les Audi-
tours que sount a luy
assignes, ount power
de agarder luy a prison
la a demurrer tanque il
ad fait gree al party, Mes
si les Auditours ne voil-
lont allower reasonable
expence & costage, ou
sils chargeront luy oue
plusours resceipts quant
ne duissent, donques son
procheyne amye, que
voit suer pur luy, su-
era vn briefe de Ex par-
te talis hors del Chaun-
cery, direct al Vicount de
B.ii. pren-

The Exposition of

prendre n'il mainpernors
de render son corps de-
uant les Barons del Ex-
chequer a certaine iour,
& de gâner le Seigni-
our dapperer la a meisme
le iour.

take foure mainpernors
to bring his bodie befoze
the Barons of the Ex-
chequer at a certain day,
and to swarne the Lozde
to appeare there at a cer-
taine day.

21

Accord.

Accord est vn agreemēt
penter deux al meins
pur satisfie vn offence que
le vn ad fait al auter,
Quant vn home ad fait
vn trespas ou tiel sembla-
ble al auter, pur le quel il
ad agree oue luy de sa-
tisfier & content luy oue
recompence, quel si soit
executed & perform, dō-
ques pur ceo que cest re-
compence, est vn pleine
satisfaction pur le offence,
il ferra vn bon barē en le
ley, si laut' apres laccord
perfourme, voit fuer a-
rere vn action pur meisme
le trespas.

Nota que le primer est
pprement appelle vn Ac-
cord, le aut' est vn cōtract.

Accord.

Accord is agreemēt be-
tween two at the least
to satisfie an offence that
the one hath made to the
other, when a man hath
done a trespas, or such
like vnto another, for the
which hee hath agreed
with him, to satisfie and
content him with some
recompence, which if it
be executed and perform-
med, then because that
this recompence, is a full
satisfaction for the offence,
it shall be a good barre in
the law, if the other after
the accord performed should
sue againe any action for
the same trespas.

Note that the first is
properly called an accord,
the other a contract.

22

Acquital.

Acquital est quant, il y
ad Seignior, meisme, &

Acquittal.

Acquital is where ther
is a Lozde, meisme, and
tenant

tenant, & the tenant holdeth of the mesne certain landes or tenements in frankalmoigne, frankmariage or such like, and the mesne holdeth ouer also of the lord paramount, or aboue him. Now ought the mesne to acquit or discharge the tenant of all & euerp manner of seruice, that any other wold haue or demaunde of him concerning the same landes or tenements, for that the tenant must doe his seruice to the mesne onely, and not to diuers Lords for one tenement or parcel of land. The same law is where there is one Lord, mesne, and tenant as aforesaid, & the mesne graunteth to the ternaunt (vpon the tenure made between thim) to acquite and discharge him of all rents, seruices, and such like. This discharge is called acquitall.

Like is we is if the tenant holdeth of his mesne by like seruices, as the mesne holdeth ouer of the lord, & the tenant doeth or payeth his seruices to the

tenaut, & le tenant tient de le mesne certaine terres ou tenemets en frakalmoigne, frankmariage ou tiels semblables, & le mesne tient ouster auxy de le Seign paramount ou deuant luy. Ore doit le mesne acquite ou discharge le tenant, de tout & chescun maner de seruice, q̄ ascū aut voet auer ou demaund de luy concernant mesmes les tres ou tenemets, pur ceo q̄ le tenant doit fait le seruice a le mesne tantsolement, & nemy al diuers Sñrs pur vn teñt, ou parcel del terre. Mesin le ley est ou il est Sñr, mesne, & tenant come auãrdit, & le mesne granta al tenãt (sur le tenure fait parenter eux) pur acquiter & discharger luy de tous rêts, seruices & tiels semblables. Cest discharge est appel Acquitall.

Mesme le ley est, si tenant tient de son mesne par autiels seruices, come le mesne tient ouster del Seignmour, & le tenant fait ou paye seruices al

B.iii. mesne;

The Exposition of

mesme, mes le mesme ne fe-
doit ses seruices al seigni-
or paramount, per que il
distreine les bestes del te-
nant, en cel case le mesme
pur le ouelty del seruices
doit acquitter le tenant
del seruices due al Seig-
nior.

mesme, but the mesme doth
not his seruices to þ chief
lord, wheretoze he distre-
neth the bestes of the te-
nant, In this case the
mesme for the equalnes of
the seruices ought to ac-
quit the tenant of the ser-
uice due vnto the Lord.

23 Acquittance.

A Quitance, est vn dis-
charge en escript dun
summe de mony, ou auter
duty, quel doit este pay
ou fait: Si come vn loit
oblige de paier mony sur
vn obligation, ou rent re-
serue sur vn leas, ou tiel
semblable, & le party a
q le mony ou duety doit
este pay, ou fait, sur le re-
sceit de ceo, ou sur auter
agreement parenter eux
ewe, fait escript, ou bil de
son mayne en discharge
de ceo, testmoinaunt que
il est pay, ou autrement
cōtent, & pur ceo acquite,
& discharge luy de ceo, le
quel acquitaunce est tiel
discharge & barre in le
ley, que il ne poit de-
mand & recouer mesme
le somme ou duty auter

Acquittance.

A Quitance, is a discharg
in writing of a summe
of money, or other dutie
which ought to be payd
or done: As if one be
bound to pay money vpon
an obligation, or rent re-
serued vpon a lease or
such like, and the partie to
whom the money or dutie
should be payde or done,
vpon the receite thereof,
or vpon other agreement
betwene them had, mak-
eth a writing or bill of
his hande, in discharge
therof, witnessing that he
is paid, or otherwise con-
tented, and therefore doth
acquit and discharge him
of the same, which acqui-
tance is such a discharge
& barre in the law, that he
cannot demand and reco-
uer that summe or duty a-
gain.

gaine contrary thereunto
if he shew the acquittance.

This worde differeth
fro those which in the ci-
uill law be called Accepti-
tatio, or Apocha, because
Acceptatio may be by
word without writing, &
is nothing but a sayned
payment and discharge,
though no painēt be had.
And Apocha is a writing
withnesing the payment or
deliuerie of money which
dischargeth not vnles the
money be paid.

soits contra a ceo, sil poit
monstre le acquittance.

Cest paroll differt ab
hoc, quod in iure civili
acceptitatio dicitur, quia
illud fieri potest verbo si-
ne scripto, & nihil aliud
est quam ficta solutio &
liberatio, licet solutio non
sit: nec Apocha dici po-
test, quæ cautio est so-
lutæ datæue pecuniæ, quæ
non liberat nisi pecunia
soluta sit.

24

Acres.

Acres of parliament, are
positive Lawes which
consist of two partes, that
is to say of the wordes
of the Act, & of the sence
thereof: they both ioined
together make the law.

Acres.

Acres de parliament sont
leys positive que con-
sist de deux partes, cest
adire de les parols del act,
& del sence de ceo, & ils
ambideux joint ensemble
font la ley.

Additions.

Addition, is that which
is giuen vnto a man o-
uer and belides his pro-
per name & surname, that
is to say, to shew of what
estate or degree or my-
sterie he is, and of what
Towne or Hamlett or
Countie.

Additions.

Addition, est ceo que est
done al home ouster
son proper nomme & sur-
nomme, cest adire, pur
monstrer, de quel es-
tate, ou degre, ou mi-
stere il est, & de que
Ville ou Hamlett ou
Countie.

B.iiij.

Addi-

The Exposition of

Additions de estate sont
ceux, yeoman, gentleman
Esquire, & tiels seblables.

Additions de degree sont
ceux q nous appellomus
nosmes de dignite, come
Chualer, Conte, Marques
& Dux.

Additions de misterie
sont ceux, scriuener, pain-
ter, mason, carpenter, tai-
lor, smith, & ilsint toutes
autres de semblable na-
ture, car mystery e le craft
ou occupation, per que
home gaine son liuing.

Additions de villes coe
Sale, Dale, & tiels autres,
& ilsint de les autres.

Et lou vn home ad hous-
hold en deux leuz, il serra
dit demurr en ambideux,
ilsint que son addition en
vn de eux suffist.

Fuit ordeine per lesta-
tute Anno 1. Henrici 5.
Cap. 5. que en lutes ou
actions, ou proces dui-
lagarie gift, tiels addi-
tions serra al nosme de-
fendant, a declarer son
estate, misterie & lieu
ou il enhabite, & que
tiels briefs abateront sils
ne ount tiels additions,

Additions of estate are
these, yeoman, gentleman,
Esquire and such like.

Additions of degree are
those that we call names
of dignite as Knight,
Erle, Marques & Duke.

Additions of misterie
are such, scriuener, pain-
ter, mason, carpenter, tai-
lor, smith, and so all other
of like nature, for mystery
is the craft or occupation
whereby a man getteth
his liuing.

Additions of towns as
Sale, Dale, and such o-
thers, & so of the rest.

And where a man hath
household in two places
he shalbe said to dwell in
both of them so that his
addition in one of them
doth suffice.

By the statute the first
parte of H. the 5. & Chap-
ter the 5. it was ordeined
that in lutes or in actions
where proces of btlagary
lyeth, such additpons
shold be to the name of
the def. to shew his estate
mysterie and place where
he dwelleth, and that such
briefs shall abate, if they
haue not such additions,

if the defendand take exception thereto, but they shall not abate by the office of the Court.

Also Duke, Marques, Earle, or Knight, bee none of that addition but names of dignitie, which should haue bin giuen before the Statute.

And this was ordeined by the said Statute made in the first yeare of king H. the 5. Cap. 5. to the intent, that one man might not be greued nor troubled by the vicarie of another: but that by reason of the certaine addition, euery man might be certainly knowen and beare his owne burden.

si le defendand prist exception & ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marquee, Counte, ou Chiualler ne sont pas del ceux additiōs, mes nosmes de dignitie, queux, duissent auer estre done deuant le Statute.

Et ceo suit ordeigne per cest Statut fait en le premier an de Roy H. le 5. ca. 5. al intent q vn home ne ferroit greue ne trouble pur le vicarie de vn autre: mes que per reason de le certaine additiō, chescun home poit estre certainement conus, & portera sa burden demesme.

26 Adjournement.

A Diournement is when any Court is dissolved & determined and assigned to be kept againe at another place or time, and methinketh is compounded of two words (ad) or (al) and iour.

27 Admeasurement of Dower.

Admesuremēt of dower is a writ, and it lyeth

Adjournement.

A Diournemēt est quant alcun Court est dissolue & determine, & assigne destū gard arriere al autre lieu ou temps, & come semble, est cōpound de deux parols, (ad) ou (al) & iour.

Admeasurement of Dower.

Admesuremēt de dower est vn briefe, & nest lou

The Exposition of

lou vn feme est endowe
per vn infant, ou per vn
gardein de plus que de-
uoit auer, le heire en tiel
case auera cest brieve, per
quel le feme serra admea-
sure, & le heire restore a le
surplusage. Mes si vn a-
bate, cest adire, vn que nad
droit entre apres le mort
le barron, & endowe la
feme de cestuy que est
mort, de plus que doit
auer, le heire auera cest
brieve, mes assise de Mort-
dauncester vers la feme,
& si el plede que el fuit
endow de ceo terre come
del franktenement sa ba-
ron, le heire monstra com-
ment el fuit endowe per
labatour, & quel el ad
plus, que deuoit auer, &
prie que il soit restore al
surplusage, & si soit troue,
il serra restore.

28 Admeasurement de
pasture.

Admeasurement de pa-
sture, est vn brieve, &
gist lou plusors tenaunts
ont common appendant
en auer terre, & vn sur-

where a woman is indowe
ed by an infant, or by a
gardein of more then she
ought to haue, the heire in
such case shall haue this
writ, by the which & wo-
man shall be admeasured,
& the heire restored to the
ouerplus. But if one a-
bate, & is to say, one which
hath right entretly after
the death of the husband, &
endowe the witte of him
which is dead, of more
then she ought to haue, the
heire shall not haue this
writ, but assise of morte-
dauncester against the wo-
man, & if she plede that she
was endowed of the land
as of the frehold of her
husband, the heire shal shew
how she was endowed by
the abatoz & that she had
more then she ought to
haue, & shal pray that she
may be restored to the sur-
plusage, and if it be found
he shal be restored.

Admeasurement de
pasture.

Admeasurement de pa-
sture is a writ & it lieth
where many tenants haue
common appendant in an
other ground & one ouer-
chargeth

chargeth the cōmon with manie beasts: Thē the o-ther cōmoners may haue this wrytte against him, & also it may be brought by one commoner onely, but then it behoueth to bee brought against all the o-ther cōmoners, & against him that surcharged, for þ all the commoners shal be admeasured.

And this wryt lieth not against him, nor for him þ hath cominon appurtenant or common ingrosse, but thē which haue com- mon appēdant, or cōmū by cause of visnage.

See the diuersitie of all these cōmons afterwarde

Also this wryt lieth not for the lord, nor against the lord, but the lord may distrain the beasts of the tenāt that be surplussage. But if þ lord ouercharge the common, the commo-ner hath no remedie by the common law, but an Alsise of his common.

charge le cōmon oue plu- sors auers: Dōques lauters cōmoners poient auer cest brief vers luy, & auxy poit estre port per vn commo-ner solemēt, mes donqes couient estre port vers tous lauters commoners, & vers cestuy q surcharge, pur ceo q tous les cōmo-ners serront admeasures.

Et cest brieve ne gist vers luy, ne pur luy que ad common appurtenant, ou common ingros, mes ceux que ont cōmū ap- pendant, ou common p cause de vicinage.

Vide le diuersitie de tous ceux cōmons apres.

Auxy cest brief ne gist pur le seignior, ne vers le seignior, mes seignior poit distrain les auers le tenaunt que sont surplu- sage. Mes si le seignior surcharge le common, les commoners nont remedie per le cōmū ley, mes vn Alsise de son common.

29 Administrator.

Administr. is he to whom the ordinarie cōmitteth the administration of the

Administrator.

Administraror est celuy a que le ordinarie cō- mit l'administration des biens.

The Exposition of

biens la mort pur defect
de executors, & action
gist vers luy, & pur luy
come pur executor, & ser-
ra charge ielsques al value
des biens le mort & niét
ouster, sil ne soit per son
faux plea, ou pur ceo que
il ad wast les biens le
mort. Mes si le admini-
stratour deuie, ses execu-
tors ne sont administra-
tors, mes couient al Or-
dinarie de commit nouel
administration: mes si
vn estrange que n'est ad-
ministratour ne executor
prist les biens le mort, &
administer de son tort de-
mesme, il serra charge &
sue come executor, & ne-
my come administrator
en ascū actiō que est port
vers luy per alcun credi-
tor. Mes si lordinarie fait
vn brief ad Colligendum
bona defuncti, cestuy que
ad tiel letter n'est admini-
strator, mes l'action gist
vers le Ordinarie auxy-
bien come sil prist les
biens en son maine de-
mesme, ou per le maine de
ascun de ses seruans per
ascun auter comandmēt.

goods of a dead man for
default of an executor, and
an action shall lie against
him and for him as for an
executor, & he shalbe char-
ged to the value of the
goods of the dead man and
no further, if it bee not by
his owne false plea, or for
that that he hath wasted
the goods of the dead: but
if the administrator die,
his executors bee not ad-
ministrators, but it beho-
ueth the Ordinarie to com-
mit a new administrati-
on: but if a stranger that
is not administrator, nor
executor take the goods of
the dead, & administer of
his own wrong, he shalbe
charged & sued as an exe-
cutor, and not as admini-
strator in any action that
is brought against him by
any creditor. But if the
ordinarie make a letter ad
Colligendū bona defuncti,
he that hath such a letter
is not administrator, but
the action lyeth against
the Ordinarie as well as if
he toke the goods to his
own hand, or by the hand
of any of his seruants by
any other comandmēt.

30 ¶ Admirall.

Admirall is an officer vnder the Quene, & hath authoritie vpon the Sea onely to see the nauy prepared and maintained to suppress and chase away robbers and couers, and to iudge of contracts, betweene partie & partie, concerning things done vpon & beyond the seas, and for that purpose hath his courte called the Admiraltie. Hee may cause his Citation to be serued vpon the land & take the parties bodie or goods in execution vpon the land.

And also he hath cognisance of the death or maihem of a man committed in any great ship sailing in great riuers in the realm, beneath & bridges of the same next the sea.

Also to arrest ships in the great streames for the voyages of the Quene & Realme, and hath iurisdiction in the said streames during the same viages.

31 ¶ Ad quod dampnū.

Ad quod dampnum is a writte which ought to

¶ Admiral.

Admirall est vn officer soult le Roigne, que ad auctoritay sur le mere tantum, pur veier le nauie repaire & maintain pur suppresser & chaser dehors estimures de mere, & de faire droit de contractes perenter partie & partie, concernant chose fait sur & ouster le mere, & pur cest purpouse il ad sō court appel le Admiraltie. Il poit causer son Citation destre serue sur le terē & prēder le corps del party ou biens en execution sur le terre.

Itē il ad cognisance del mort ou maihem de vn home fait en ascun grand niese fleetant en grand ryuers en le Realme, debas les pontes de euz prochein al mere.

Auxy pur arrest niefes en les grand streames pur les viages del Roign & realm, & ad iurisdiction en les dits streames durāt mesme viages.

¶ Ad quod dampnum.

Ad quod dampnum est vn brieve que doit este sue

The Exposition of

sue deuant le Roy grant certaine liberties: Come faire, market, ou tiels semblables queux poient este pindicial al autres. Et p ceo serra inquiree si seroit preiudice a granter eux, & a que serra preiudicial, & que preiudice ent auendra.

be sued before the k. grāt certaine liberties: As a faire, market, or such like which may be preiudicial to others. And by it shall be inquired if it should be a preiudice to grant the, and to whome it shall be preiudicial, and what preiudice shal come there by.

32 ¶ Aduowson.

ADuowson est lou vn home & ses heirs ont droit de presenter leur clerk al Ordinarie al vn parsonage, ou auter espiritual benefice quant il deuiant void. Et celui que ad tel droit de presenter est appel Patron.

¶ Aduowson.

ADuowson is where a man & his heirs haue right to present their clerk to the Ordinarie to a parsonage, or other spiritual benefice when it becommeth void. And he which hath such right to present is called Patron.

33 ¶ Age prier.

AGe prier est quant action est port vers enfāt de terre que il ad per discent, la il monstra le matter al court, & priera que le action demurra tanque a son plein age de xxj. ans, & usint per agard del Court le suit surcessera.

Mes en brief de Dower & en Assise, & auxy en tiels actions lou le in-

¶ Age prier.

AGe prier is whē an action is brought against an infant of lands which hee hath by discent, there he shal shew the matter to the court, & shal pray that the action may stay til his full age of xxi. yeres, & so by award of the Courte the suit shal surcease.

But in a writ of dower and in Assise, and also in such actions wher the infant

fant is supposed to come to the land demanded by his owne wrong, he shall not haue his age.

Also note wel that there be many diuersities of ages, for the Lord shall haue aide of his tenant in Socage for to marie his daughter, when þ daughter of the Lord is of the age of seven yeres. And also apde for to make his sonne and heire knight, when hee is of the age of seven yeres. Also a woman which is married at the age of ix. yeres, if her husbände die seised shall haue Dower, and not before nine yeres.

Also xiiii. yeres is the age of a woman that shee shall not be in ward if shee were of such age at þ time of the death of her auncestor, but if she were with- in the age of xiiii. yeres, & in ward of the Lord, then shee shall be in ward till the age of xvi. yeres. And also xxi. yeres is the age of the heire male to be in ward, & after þ out of ward. And also it is þ age of male & female to sue & to be sued of

fant est suppose a vener al terre en demaund de son tort demesne, il n'auera sa age.

Auxy nota que sont plusors diuersities de ages, car le Seignior auera aide de son tenaunt en Socage pur marrier sa fille, quant le file le seignior est del age de sept ans. Et auxy aide pur faire son fites & heire chivaler, quant il est del age de sept ans.

Auxy feme que est espouse al age de ix. ans, si la baron morust seise auera Dower, & nemy deuant ix. ans.

Auxy xiiii. ans est le age de feme que ne sera en gard, si el fuit de quel age al temps del mort son auncestor, mes si el fuit deins age de xiiii. ans, & en gard son seignior, donques el sera en gard tanq; al age de xvi. ans. Et auxy xxi. ans est lage de heire male destre en gard, & apres ceo hors de gard. Et auxy il est le age de male & female de suer & destre sue des terres

The Exposition of

terres, q' ils ont ou claime
per disceit & de faire tous
manners contracts & bar-
gaines & nient deuant:
mes si tiel infant deins
age de xxj. ans dotte les
biés, & le donee eux prist,
l'enfant poet auer vn acti-
on de trespas, mes auter-
in il est fil deliuer eux.

24 ¶ Agreement.

Agreement, est en cest
manner define ou ex-
pounde en maister Plou-
dens commentaries. Ag-
reementum, est vn pa-
roll compounde de deux
parols; cest assavoir, de
Aggregatio & Mentium,
cest a dire agreement de
minds, isint que aggrega-
mentum est aggregatio
mentium in re aliqua
facta vel facienda. Et per
le contraction de les deux
parols, Aggregatio &
mentium, & per le cor-
repte & brieve perlance
deux, ils sont fait vn pa-
rol, cestill. Agreement-
tum, le quel nest auter
chose, q' vnmō, collecte
copulation & coniuncti-
on de deux ou plusieurs

lands which they haue or
claime by discent; and to
make al maner of contracts
and bargains, and not be-
foze: but if such an infant
within y age of 21. yeres
give his goods & the do-
ne take them, the infant
may haue action of tresp-
pas, but otherwise it is if
he deliuer them himselfe.

Agreement.

Agreement, is after this
sort defined or expoun-
ded in Maister Plowdens
commentaries. Agree-
mentum is a worde com-
pounded of two wordes,
namely, of Aggregatio &
Mentium, that is to say,
agreement of mindes, so
that agreement is a con-
sent of mindes in some
things done or to be done,
and by drawing together
of the two wordes, Ag-
gregatio and mentium, &
by the haste and shorte
pronouncing of the they
be made one worde, to
witte, Agreementum,
which is no other thing
then a ioyning, putting,
cupling and knitting to-
gether of two or moe
mindes

minde in any thing done
or to be done. (See after
in testament) And this a-
greement is in three man-
ners.

The first is an agree-
ment executed already at
the beginning.

The second is an agree-
ment after an act done by
another, and is an agree-
ment executed also.

The third is an agree-
ment executory or to be done
in time yet to come.

The first which is an a-
greement executed already
at the beginning is such,
whereof mention is made
in the statute of 25. Edw.
3. cap. 3. of clothes in the
4. statute, which saith
That the goods and things
bought by forestallers, be-
ing therof attainted shalbe
forfaite to the Queen, if the
buyer thereof haue made
gree with the seller. In
whiche case the word (Gree)
which is otherwise called
agreement, shall be under-
stode agreement executed,
that is, payment for the
things.

The second maner of a-
greement is where one doth

ments in alcuyn chose fait
ou destre fait. (Veies apres
en testament.) Et cest a-
greement est en 3. ma-
ners.

Le primer est vn agree-
ment executed en fait al
commencement.

Le second, est vn agree-
ment puis vn act fait per
auter, & est vn agrement
executed auxy.

Le tierce est vn agree-
ment executory ou destre
fait e téps vncore a venir.

Le primer que est vn a-
grement executed en fait
al commencement, est tel
de q mention est fait en
le statute de 25. Ed. 3. cap.
3. de pannis in le quant
statute que dit, que les
biens & choses achates
per forestallers, q de ceo
seront attaintes soient
forfaites al Roigne, si le
achator et vst fait gree al
vedour. En quel case, cest
parol (Gree) q est autre-
ment appel agreement,
terra entende agreement
execute, viz. paiement par
les choses.

Le second maner de a-
greement est lon vn fait
C. j. vn

The Exposition of

vn chose ou acte, & vn
auter agree ou assent a
ceo apres, come si vn fait
disseisin a mon vfe, & a
pres ceo agree a ceo, ore
ceo serra disseisor ab ini-
tiis & tiel agreement est
vn agreement puy vn acte
fait.

Le tierce agreement est
quant ambideux parties
a vn temps sont accords
que tel chose serra fait en
temps a venir, & ceo agree-
ment est executorie entant
que le chose serra fait a-
pres & vncore la lour
ments accord a vn temps.
Mes entant que le perfor-
mance serra apres, & il suit
le chose sur que lagreement
fuit fait, remaine a faire,
ceo agreement serra dit
executorie. Et ceo le sta-
tute de 26. H. 8. cap. 3.
proue, ou il dit, q chescun
vicar, parson & tiel &c.
deuant lour actual pos-
sessiõ ou medling ou les
profits de lour benefice
satisfiera, content &c. ou a-
greera a payer al vfe le
Roign les primer fruits
&c. Et si aliciel Parson, vic-
&c. enter en actual posses-

a thing, or act; & another a-
grees or assents thereto af-
terwardes as if one doe a
disseisin to my vfe, & after-
ward I agree to it, now I
shall be a disseisor from the
beginning, and such agree-
ment is an agreement af-
ter an act done.

The third agreement is
when both parties at one
time are agreed that such
a thing shalbe done in time
to come, and this agree-
ment is executorie in as
much as the thing shall
be done after, and yet there,
their minds agreed at one
time. But because the per-
formance shalbe afterward
and the thing upon which
the agreement was made
remaines to be done, that
agreement shalbe said exe-
cutorie. And that the sta-
tute of 26. H. 8. cap. 3. both
proue where it saith, that
every vicar, parson & such
like &c. before their actu-
all possession, or medling
in the profits of their be-
nifices shall satisfie, content
&c. or agree to paye to the
R. the first fruits &c. and if
any such parson or vicar,
&c. enter in actual posses-
sion,

tion, &c. this agreement is to be vnderstande executory as the common vse proues, for it is vſed that hee with one or two with him doe make two or thre obligations for it to bee paid at certaine daies after, and this agreement executozie is deuided into two points. One is an agreement executozie which is certaine at the beginning, as is ſaid laſt befoze of the firſt fruits.

The other is where the certaintie doth not appeare at the firſt, and the parties are agreed that the thing ſhall be perſormed or paid vpon the certaintie knowē as if one ſell to another all his wheate in ſuch a taſſe in his barne vntreſhed, and it is agreed betwene them that he ſhall paie for every buſhel xii d. when it is treſhed, cleaxed and meaſured.

ſion, &c. ceo agreement eſt deſte entende executory, come le common vſage proue, car eſt vſe, que il oue vn ou deux oue luy faier deux vel trois obligations pur ceo deſte pay en certaine iours apres, & ceſt agreement executory eſt deuidein deux points. Vn eſt agreement executory, que eſt certaine al cōmencement, come eſt dit darraine deuant del primer fruits.

Lauter eſt lou le certaintie nappiert al primes & les parties ſōt accords q̄ le choſe ſerra perſorme, ou pay ſur le certaintie conus, come ſi vn vend al auter tout ſon wheat en tiel taſſe en ſon barne nient treſh & il eſt agree perenter eux, que il payera pur cheſcun buſhell xii. d. quant il eſt treſh, cleane, & meaſure.

35

¶ Ayde.

Ayde, is when tenaunt for terme of life, tenaunt in dower, tenant by curteſie, or tenant in taile after poſſibilitie of iſſue ex-

¶ Ayde.

Ayde, eſt quant tenant a terme de vie, tenant en dower, tenaunt per le curteſie, ou tenāt en taile, aſ poſſibility diſſue ex-

C. ij.

tinēt

The Exposition of

rinct est implede, dōques pur ceo que ils nont que estate pur terme de vie, ils prairont aide de cestuy in le reuersiō, & proces serra fait p brief vers luy, de venter & pleder oue le tenant, en defence del terre si voyl, mes il couient, que ils accorde en plee: car s'ils varie, le plee le tenant, serra prise, & dōques leyde pryer est en vaine, mes si ne vient al second briefe, le tenant respondera sole.

Auxy tenant pur terme de ans, tenāt a volunt, tenant per Elegit, & tenāt p statute marchant aueront ayde de cestuy en la reuersiō, & le seruāt & bayly de lour maister, quant ils ount fait ascun chose loyalmēt, & le droit lour master, auerōt ayde.

36 ¶ Ayde de Roy.

AYde de Roy, est en se-
ble casē come est dit
deuant de cōmon person,
& auxy en plusieurs aut's
cases, lou le roy puytauer
perde, coment que le te-
naunt soit tenaunt in fee

tinct is implicated then for
that they haue no estate
but for terme of life, they
shall pray in ayde of him
in the reueriō and proces
shall bee made by writ a-
gainst him, to come & plead
with the tenant in the de-
fence of the land if hee will,
but it behoueth that they
agree in the plee, for if they
vary, the plee of the tenant
shall be taken and then the
aide prayer is void, but if
hee come not at the second
writ, then the tenaunt shall
answere sole.

Also tenant for terme of
peeres, tenant at will, te-
nant by Elegit, and tenant
by statute merchant, shall
haue aide of him in the re-
ueriō, and the seruāt &
bayly of their master, when
they haue done any thing
lawfully in the right of their
master, shall haue aide.

¶ Ayde de Roy.

Aide of the king, is in like
case as it is saide before
of a common person, and
also in many other cases
where the king may haue
losse, although that the
tenaunt bee tenaunt in fee
simple

simple hee shall haue aide,
As if a rent be demaunded
against the kings tenaunt,
which holdeth in chiefe, he
shall haue aid and so he shall
not of a common person.

And where a Citie or
Borough hath a fee farme
of the king, and any thing
be demaunded against the
which belongeth to the fee
farme, they shall haue ayde
for the losse of the king.

Also a man shall haue
aide of the King in the
Reede of vouchier. Also the
Kings Bailife, the Collec-
tor, and Puruepour shall
haue ayde of the King, as
well as the officers of o-
ther persons.

simple, il auera ayde,
Come si vn rent soit de-
mande vers tenaunt le
Roy, que tient en chiefe,
il auera ayde, & issint na-
uera de auter person.

Auxy lou vn Citie ou
Borough ad vn fee farme
del Roy, & ascun chose
est demaund vers eux que
apperteine al fee farme,
ils aueront ayde pur le
perde le Roy.

Auxy home auera ayde
de Roy en lieu de vou-
cher. Auxy le Baylife,
Collectour & Purueiour
del Roy aueront ayde del
Roy, auxy bien come les
officers de auters persons.

¶ Ayle.

Ayle is a writ which ly-
eth where lande descen-
deth from the graundfa-
ther to his nephews, or the
sonne or daughter of the
sonne of the graundfather,
the father being dead be-
foze the entrie by him, and
one abateth, the heire shall
haue against the abator
this writ.

¶ Ayle.

Ayle, est vn briefe que
gist lou terre descend
de layell a son neuiew,
viz. fits, ou file del fies
de layell, le pier estant
mort, deuant entrie per
luy, & vn abate, le heire
auera vers le abator cel
briefe.

The exposition of

38

Alien.

ALien, est celuy q̄ pere
& il mesme fuer am-
bideux nec hors del le-
geance le Roigne , & si
niel alien, nestant vn ene-
my del Roigne, mes vn a-
lien amy vient & demurē
cy en Engleterre & ad is-
sue, cest issue nē aliē mes
Anglois. Issint si vn An-
glois ala ouster le mere
oue le licēce del roign &
la ad issu, cē issu nē alien.

Alien.

ALien is he whose father
and himselfe were both
borne out of the Quenes
legeance, and if such an a-
lien being none of the Q.
enemies, but an aliē friend
come and dwell here in
England and haue issue,
this issue is not alien but
English . So if an En-
glish man go ouer the seas
with the Quenes licēce
and there hath issue , this
issue is no alien.

39

Alienation.

Alienation , idem est,
quod alienum facere
de alter, ou mitter le pos-
session de terre ou auter
chose de lun home al
auter.

Alienation.

Alienation , is as much
to saye , as to make a
thing another mans, or to
alter or put the possellid of
lands or other thing from
one man to another.

40

Ambidexter.

Ambidexter, est celuy
que quant vn matter
est in suit parenter homs,
priest money de lun part,
& del auter, ou pur labor
le suit, ou tiels sembla-
bles, ou sil soit del iury,
pur dire son verdict.

Ambidexter.

Ambidexter , is hee that
when a matter is in suit
betweene men, taketh mo-
ney of the one side and of
the other , either to laboz
the suit or such like, or if he
be of the Jury, to saye his
verdict.

41

Amendement.

Amendement, est quant
error est en le Proces,

Amendement.

Amendement, is whē er-
ror is in the Proces,
the

the Iustices may amend it after iudgement. But if there bee error in giuing of iudgement, they may not amend it, but the partie is put to his writte of error. And in many cases where the default appeareth in the Clarke that writ the Record it shall be amended: But such things as come by information of the party as the tostone, mistery, and such like, shal not bee amended, for hee must informe true vpon his perill.

les Iustices poient ceo amender apres iudgement. Mes si error soit en iugement done, ils ne poyent amender ceo, mes le partie est mise al brieve de erreur. Et in plusieurs cases lou le default appeiert en le clerk q'escrira la Record, al ferra amende: Mes tiels choses que vient per informatiō del partie come le ville, misterie, & huiusmodi ne serra amēd, car il doit informer veray a son perill.

42. Amercement.

Amercement, most properly is a penaltie assessed by the piers or equales of the party amerced, for an offence done, as for lack of suit of Court, or for not amending of some thing that he was appointed to redresse by a certaine time before, or for such like cause, in which case, the partie which offendeth putteth himselfe in the mercy of the king or Lorde, and thereupon this penaltie is called Amercement.

Amercement.

Amercement, plus proprement est vn penaltie assēse per les piers del partie amerce, par vn offence fait, come par default de suit de court, ou par non amēd de aucun chose que il fuit appoint de redresser deuant, ou par tiel semblable cause, en quel case la partie que offend soit mist en le mercie del roy ou Seignour, & sur ceo cel penaltie est appel Amercement.

The exposition of

43 Amercement royal.

A Mercement royal, est quant vn Vicont, Corron ou aut tiel officer del Roigne est amercie p les Iustices pur son misde-meaning en le office, qre si ne serra dit fine.

Amercement royall.

A Mercement royall, is when a Shirefe, Coroner or other such Officer of the Quene is amercied by the Iustices for his abuse in the office, seke if it shall not be said a fine.

44 An, iour & wast.

AN, iour & wast, est vn forfaiture, quant vn hœc ad fait petit treason ou felony, & ad teries queux il tient de ascun commō person, qux serra seisi pur le Roigne & remain en sa maines p la spacé de vn an & vn iour prochaine apres le attainder, & dōques les arbres seront dec-fosse, les measons seront rases, & les pastures, & prēs aires & plowed, sinon que il, a que le terre deuenera per leschete ou forfaiture, ne ceo redē de Roy, vn chose le plus de greuer le offenders & terrifie auters de cader en autiel, en demonsttraunce, coment le ley detest lour offence, cye auant isint que il execute iudgement & punish-

An, iour & wast.

AN, iour & wast, is a forfeiture whē a man hath committed petit treason, or felony, and hath landes which he holdeth of some comon person, which shall be seised for the Quene, and remaine in her hands by the space of one yere & a day next after the attainder, and then the trees shalbe digged vp, the houses shalbe rased & pulled downe, and the pastures & meadowes ryed and plowed vp, so þ he to whome the lande shoulde come by eschete or forfaiture do not redeeme it of the King, a thing the moze to greue the offenders and terrifie others to fall into the like, in shewing how the lawe doth detest their offence so farre soorth as that it doth execute iudgement & punish-

punishmēt euen vpon their
dunne & dead things.

punishment sur l'our
mute & mort choses.

45 Annuite.

ANnuite, is a certaine
summe of money gran-
ted to another in fee sim-
ple, fee taile, for terme of
life, or for terme of yeeres,
to receiue of the grauntoz
or of his heires, so that
no freholde is charged
therewith, whereof a man
shall neuer haue assise nor
other action, but a writ of
Annuite, and it is none
assets to the heire of the
grauntē to whome it shall
descend.

Annuite.

ANnuite, est vn certain
sūme de money grant
al vn auter, en fee simple,
fee taile, pur terme de vie
ou pur terme de ans, a re-
ceiuer del grantor ou ses
heires, issint q nul frank-
tenement est charge de
ceo, de que home nauera
vnques, alsise ne auē acti-
on forsque brieve de an-
nuite, & nest aucun assets
al heire le grantee a que
il descendra.

46 Appeale.

Appeale, is where one
hath done murder, rob-
bery or mayhem, then the
wife of him that is slaine
shal haue an action of ap-
peale against the murthe-
rer, but if he haue no wife
then his next heire male
shall haue the appeale at a
ny time within a yeere and
a day after the deede, And
also he that is so robbed
or mayhemed shal haue his
appeale, and if the defen-
dant be acquitted, he shall

Appeale.

Appeale, est lou vn ad
fait murder, robberie
ou mayhem, donques la
feme cestuy que est tue,
auera vn action de ap-
peale vers le murderer,
mes sil nad femme don-
ques son procheine heire
male auera le appeale
a aucun temps deins lan
& iour apres le feast, Et
auxi cestuy que est isint
robbe ou mayhem au-
ra son appeale, & si le de-
fendant soit acquit, il
reco-

The Exposition of

recouera damages vers
l'appellour & labbettors,
& ils aueront le imprison-
ment dun an & terra fi-
ne al Roy. Appeale de
mayhem nest en manner
forlike action de trespas,
ear il ne recouera forlike
damages.

reouer damages against
the appelloz and thabbet-
tozs, and they shal haue the
imprisonment of a yere
and shall make fine to the
King. An appeale of mai-
hem is in manner but a
trespas, for hee shall reco-
uer but damages.

47 ¶ Appellant.

Appellant est le plaintiff
en le appeale.

¶ Appellant.

Appellant, is the plaintiff
in the appeale.

48 ¶ Appellour.

Appellour ou Approuer,
est cesty q ad fait asc'
felonie le quel il confesse
& a ore appeale, ou ap-
proue, cest adire, accuse
autres que fueront coad-
uteurs ou aiders oue luy
en feafans de ceo, ou au-
tres felonies, le quel cho-
se il voit approuer & ceo
est appellee latin Proba-
tor.

¶ Appellour.

Appellour or Approuer,
is he who hath commit-
ted some felonie which he
confesseth and nowe ap-
pealeth or approueth, that
is to say, accuseth others
which were coadiutors or
helpers with him in doing
the same or other felonies,
which thing he wil approue
and therefore is called in
latine probator.

49 ¶ Appendant & ap-
purtenant.

Appendant & appurte-
nant sont choses q per
temps de prescription ont
belong, appertain, &
sont ioine al autre prin-
cipal chose, ouesque que

Appendant & appur-
tenant.

Appendant & appurtenant,
are things that by time
of prescription haue be-
longed, appertained, and
are ioined to another
principall thing, by which
they

they passe and go as accessarie to the same principal thing, by vertue of these wordes Pertinentijs: as landes, aduowsons, commons, piscaries, wayes, courtes, and diuers such like, to a mannor, house, office, or such others.

50 Apporcionment.

Apporcionment is a deuinding into partes of a rent (which is deuidable and not intier or whole) & forasmuch as the thing out of which it was to be paid is seperated and deuinded, the rent also shal be deuinded hauing respect to the partes. As if a man haue a rent seruice issuing out of landes, and he purchaseth parcell of the land, the rent shalbe apporcioned, according to the value of the land.

So if a man hold his lande of an other by homage, fealtie, escuage, and certain rent, if the Lord of whom the lande is holden purchase parcell of the land the rēt shal be apporcioned.

Also if a man let landes for yēres reseruing rent, and after a stranger re-

ils passont & va come accessarie al mesme principal chose, per vertue de ceux parolx Pertinentijs: come terre, aduowsons, cōmōs, piscaries, chemins courtes, & diuers tielx sebl, al vn manor, mealsō, office, ou tiels auters.

Apporcionment.

Apporcionment est vn deuinding en parts de vn rēt (le quel est diuidable & nient intier ou whole) & entāt q̄le chose hors de quel il fuit destepay, ē seperate & deuide, le rēt auxy serra deuide, ayant respect a les partes. Sicome vn home ad vn rent seruice issuant hors de terre & il purchase parcel de le terre, le rent serra apporcion, accordāt al value del terre.

Issint si home tient son terre dun autre per homage, fealtie, escuage, & certain rent, si le seignior de que le terre est tenu purchase parcel del terre le rent serra apporcion.

Item si homē lessa terres pur ans reseruant rēt, & apres vn estrange recouer

The Exposition of

couer part de le terre,
donques le rent serra ap-
portio, cest adire deuide,
& le lessee payera ayant
respect a ceo que est re-
couer, & a ceo que ore
remaine en ses maines
accordant al value.

Mes vn rent charge ne
poit estre apportion, ne
choses q̄ sont entier: Si-
come vn tient terres per
seruice de paier a son
Seignior annuelm̄t a tiel
feast, vn chual, esperuer,
vn rose, vn chery, ou tiels
semblables, la si le Seig-
nior purchase parcel de la
terre, cest seruice est tout
ale, pur ceo q̄ vn chual,
esperuer, rose, ou vn che-
ry, & tielx auters ne poi-
ent estre deuide, seuered,
ou apportio sans damage
al entierie.

§ 1 Appropriation.

Appropriations fueront
quāt ceux measons de
le Romish Religion, &
ceux Religious persons,
come Abbots, Priors, &
tiels semblables, ont le
aduowson de ascū parso-
nage al eux & a lour suc-
cessors, & obtain licence

couereth part of the lande,
then the rent shal be appor-
tioned, that is to say deu-
ided, & the lessee shal pay ha-
ving respect to that which
is recovered, and to that
which yet remaines in his
handes accordyng to the
value.

But a rent charge cānot
be apportioned, nor things
that are entier: As if one
hold land by seruice to pay
to his Lord yearly at such
a feast, a horse, a hawk, a
Rose, a cherie, or such like,
there if the Lord purchase
parcell of the land, this ser-
uice is gone altogether, be-
cause a horse, a hawk, a
Rose, a cherie, and such o-
ther cannot be deuided, se-
uered, or apportioned with-
out hurt to the whole.

Appropriations.

Appropriations were whē
those houses of the Ro-
mish Religion, and those
Religious persons, as
Abbots, Priors, and such
like, had the aduowson of
any parsonage to them
and to their successors, and
obtayned licence of their
ho-

holy father the Pope, and of the Ordinarie & King, that they themselves, and their successors from thence forth should bee parsons there, and that it shall bee from thence forth a vicarage, and that the Vicar shall serue the cure. And so at the beginning Appropriations were made onely to those persons spiritual that could minister the Sacraments, and say deuine seruice, as Abbots, Priors, Deanes, and such like. After by a little and little they were enlarged & made to other, as namely to a Deane and Chapter, which is a body corporate consisting of many, which body together could not say deuine seruice, and that more was to Nunnes that were Prioressees of some Nunrie, which was a wicked thing, insomuch as they could neither minister Sacramentes nor preach, nor say deuine seruice to the parishioners.

And all this was vpon pretence of hospitalitie & maintenance thereof. And to supplie these defectes

de leur S. Pere le Pape, & de le Ordinarie & Roy, q'ils mesmes & leur successeurs de ceo en auant doient este parsons la, & il serra en auât vn vicar, & que le Vicar seruera le cure. Et ilsint al començant Appropriations furent faites seulement a ceux persons spirituels, que pouuoient minister les sacraments, & dire deuine seruice, come Abbes, Priors, Deanes, & tiels semblables. Apres per petite & petite ils furent enlarge & fait as autres, come noshement al Deane & Chapter, quel est corps corporat, consistant de plusieurs, q'l corps ensemble ne pouuoit dire deuine seruice: & q'pluis fuit, al Nuns que fueront Prioressees de ascun Nury quel fuit chose horrible, entant q'ils ne pouuoient minister sacraments ne preacher, ne dire deuine seruice al parochians.

Et tout ceo fuit sur pretence de hospitalitie & maintenance de ycel. Et de supplier cel defectes

The Exposition of

vn vicar fuit deuise, quel serroit deputie al Priores ou Deane & Chapter, & auxy al darrein al dits abbeis & auters a dire deuine seruiçe, & il aueroit pur son labor forsq; petite portion, & ils a quel le appropriatiōs fueront fait reteigneront le grād reuenues, & ils fesoient riens pur ceo, per meanes de quel hospitalite decay en le lieu ou il doit estre chiefement garde, notamment en le parish ou le benefice fuit, & ou les profits cressoient, & insint il continue tanque a cest iour, al graund hinderance de erudition, al impouerishment de le ministerie, & le infamie de le Gospell & le professors de ycel.

Le Vicar auera vn certaine portion del benefice, & que le Abbe & le Couent serront parsons & auerōt les auters profits: Cest appel vn appropriation, & donques le Abbe & le Couēt serrōt parsons imparsones. Mes tiel appropriation

a vicar was deuised, who should bee Deputie to the Priores, or to the Deane and Chapter, and also at the last to the said Abbots and others to say deuine seruice, & should haue for his labour but a little portion, and they to whom the appropriations were made shoulde retayne the great reuenues, and they did nothing for it, by meanes whercof hospitalitie decayed in the place where it ought to haue been chiefly maintained, namely in the parish where the benefice was, and where the profits did grow, & so it continueth to this day, to the great hinderance of learning, to the impouerishment of the ministerie, and to the infamie of the Gospel and professors thereof.

The Vicar shall haue certaine portion of the benefice, and the Abbot and the Couent shall bee parsons and shall haue the other profits: This is called Appropriation, & then the Abbot & Couent shall bee parsons imparsones. But such Appropriation may

may not bee made to begin in the life of the parson without his assent.

But if such aduowsons of the parsonage bee recovered by ancient title, then the Appropriation is adnulled. And it is called appropriation, for that they hold the profits to their owne proper vse.

ne poit estre fait a commencer en le vie le parson sans son assent.

Mes si tel aduowson del parsonage soit recouer p auncient title, donqs lapropriation est adnul. Et est appel appropriation, pur ceo que ils teigne les profits al leur prop vse.

52 Approuement.

Approuement is where a man hath common in the Lordes wast ground, & the Lord incloseth parte of the wast for himself, leauing neuerthelesse sufficient common with egressse and regresse for the commoners: This inclosing is called approuement.

Approuement.

Approuement est lou vn home ad common en le wast terre del Seignior & le seignior enclose part del wast terre pur luy mesme, relinequissant nient obstant sufficient common oue egressse & regresse pur les commoners: Cest enclosure est appel approuement.

53 Arbitrement.

Arbitrement is an award, determination of iudgement, which one or more maketh at the request of two parties at the least, for, & vpon some debt, trespassse, or other controuersie had betwene the said parties. And this is called in Latin Arbitratus and Arbitrium.

Arbitrement.

Arbitrement est vn award, determination, ou iudgement, quel plurs font al request de deux parties al meins, pur, &, sur ascun det, trespassse, ou aut' controuersie ew perenter les dits parties. Et cest appel en Latin Arbitratus & Arbitrium,

The exposition of

trium, & ils que font le
awarde ou arbitrement
sot appel Arbitri, en An-
glois Arbitrators.

trium, and they that make
the award or arbitrement
are called Arbitri, in Eng-
lish Arbitrators.

54 Arrest.

ARest est quant vn est
prise & restrain a son
libertie. Nul serra arrest
pur det, trespas, detinue,
ou auter cause de acti-
on, mes per virtue dun
precept ou commande-
ment hors de ascū court.
Mes pur Treason, Fe-
lonie, ou debrufer del
peace, chescun home ad
auctoritie de arrester
sans garrantie ou pre-
cept. Et lou vn serra ar-
rest pur felonie, il coui-
ent que ascun felonie
soit fait, & que il soit
suspect de melme le fe-
lonie, ou autrement il
poit auer enuers luy que
assint luy arrest vn brieve
de faux imprisonment.
Et quant ascun home est
arrest pur felony il serra
ameliue a le gaile, la a
demurrer tanque al pro-
cheine selsō pur este in-
dite, ou pur este deliuer
per proclamation.

Arrest.

ARest is when one is
taken and restrayned
from his libertie. None
shalbe arrested for dette,
trespasse, detinue, or o-
ther cause of action, but by
vertue of a precept or com-
mandement out of some
Court. But for Treason,
Felonie, or breaking of
the peace, euery man hath
auctoritie to arrest with-
out warrant or precept.
And where one shalbe ar-
rested for felonie, it beho-
ueth that some felonie be
done, and that he be sus-
pected of the same felonie,
or otherwise hee may haue
agaynst hym that so dyd
arrest hym, a writte of
false imprisonment. And
when any man shall be
arrested for felonie, hee
shalbe brought to the
Gaile, there to abide un-
till the next Sessions for
to be indicted, or for to be
deliuered by Proclamati-
on.

55 Arrerages.

Arrerages are duties be-
hinde vnpaide after the
dayes and times in which
they were due, and ought
to haue bene payd whe-
ther they be rent of a ma-
nor or any other thing re-
serued.

Arrerages.

Arrerages sont duties
arrere nient pay apres
le iours & temps, en quel
ils fueront dues, & doy-
ent auer estre paies, soyet
il rent de mannor, ou
ascun autre chose reservee

56 Assets.

Assets is in two sortes,
the one called (assets per
discent) the other (assets
enter maines.) Assets per
discent is where a man is
bound in an obligation, &
dieth seised of lands in fee
simple, which descēd to his
heire, then his land shalbe
called assets, that is to say,
enough or sufficient to pay
the same debt, and by that
meanes the heire shall bee
charged as far as the land
so to him descended will
stretch. But if he haue a-
liened before the obligati-
on be put in suite he is dis-
charged.

Also when a man sey-
sed of landes in taylor, or
in the right of his wife
alieneth the same with
warrantie, and hath in
aluee as much landes in

Assets.

Assets est en deux sorts
lun appel (assets per
discent) lautre (Assets en-
ter maines.) Assets per
discent est lou vn home
est oblige en vn obliga-
tion & morust seisy de
tres de fee simple, queux
descēde a son heire, don-
ques cest terre sera appel
assets, cest adire sufficient
de payer cest det & per
cest meanes le heire ser-
ra charge cy auant que
le terre issint a luy dis-
cende voyle stretch. Mes
sil ad alien deuant que
le obligation soit mise
en suite, il est discharge,

Auxi quant vn home
seisy de terre en taylor, ou
en droit de son feme, ali-
en ceo oue garrantie, &
ad en valuee tant terre en

D. i. fee

The exposition of

see simple que discende a son heire: q̄ est auxi heire en taile ou heire al feme, Ore si le heire apres le mort sō ancestor port vn briefe de Formedon ou sur cui in vita, pur le t̄re issint alien, donq̄s il serra barre per reason dun garrāty & le terre issint discend, que est tant en value come ceo q̄ fuit vende, & issint per ceo il nad receiue ascun prejudice, & per ceo cest terre est appel Assets per discend.

Assets enter maines est quant vn home endet, come deuant est dit, fait executors & relinquit a eux suffic' de paier, ou ascun cōmodity ou profit est venus al-eux en droit leur testatour, cest appel Assets en leur maines.

37 Assignee.

A Signee est celuy a que vn chose est appoint, ou assigne destre occupy, pay ou fait, & est toutes foies tiel person, que occupy ou ad le chose issint assigne en son droit demaine & pur luy mesme,

see simple, which discendeth to his heire, who is also heire in taile or heire to the woman. Now if the heire after the decease of his ancestor bring a writ of Formedon, or sur cui in vita, for the lād so aliened, then he shall be barred by reason of the warrantie and the land so descended, which is as much in value as that was solde, and so thereby he hath receyued no prejudice, and therefore this lande is called Assets per discend.

Assets enter maines is whē a man indebted, as before is said, maketh executors, and leaueth to them sufficient to pay, or some commodity or profit is come vnto them in right of their testatour, this is said assets in their hands.

Assignee.

A Signee is he to whom a thing is appointed or assigned to be occupied, paid or done, & is alwayes such a person, which occupieth or hath the thing so assigned in his owne right and for himselfe, and

and of assignees there beē two sortes, namely, Assignee in deed and Assignee in law. Assignee in deed is when a leas is graunted to a man, or to his assignes or without those wordes, assignes, and the grauntē giveth graunteth or selleth the same lease to another. he is his assignee in deed. Assignee in lawe is every executor named by the testator in his testament, as if a lease be made to a man and to his assignes (as is aforesaid) & he maketh his executors and dieth without assignement of the lease to any other. Now the executors shall have the same lease, because they are his assignes in law. And so it is in other cases.

58

Assise.

Assise is a writ and it lieth where any man is put out of his landes, or tenementes, or of anie profite to be taken in a certaine place and so disseised of his freehold. Freehold to anie manne is where he is seised of landes and tenementes or profite to be taken in fee sim-

Et de assignees il y font ij. sortes. nolinēt assignee en fait & assignee en ley. Assignee en fait est quant vn leas est graūt al vn & a ses assignees ou sans ceux pōls, assignees, & le grautee done, grant ou vende le dit leas al autre, il est son assignee en fait. Assignee en le ley est chescun executor nosme p le testatour en son testamēt si come vn leas soit fait al vn home & a ses assignees (sicome est auāt dit) & il fait ses executors & morust sans assignmēt del leas al ascun aut. Ore les executors aūā m le leas pur ceo q ils sont ses assignees en ley. Et issint est en autres semblables cases.

Assise.

Assise est vn briefe & gift ou ascun home est mis hors de son terre ou tenementes ou de ascun profit aprēdre en certain lieu & issint disseisi de sō franktenement. Franktenement a ascun home est lou il est seise de terres ou tenementy ou profit a prender in fee simple.

D.ij.

The Exposition of

ple, fee taile, pur terme de son vie demesne, ou pur terme dauter vie. Mes tenant per Elegit, tenant per statute marchand & statute staple poient auer assise, comēt que ils nont franktenement, & cest est ordayne per diuers statutes.

Auxi en assise il couient tous foies que il soit vn disseisor & tenant ou auterment le brief abatera.

Auxi ou vn home est disseisi & recouera per assise de nouel disseisin, & puis est auterfois disseisi per mesme le disseisor; il auera vers luy vn brief de redisseisin directe al vicount de faire inquisition, & si trouue soit le redisseisin, il serra tnt en prison. Auxi si home recoit p Assise de Mortdandeceter ou per auter lurie, ou per default ou redditiō, & sil soit auterfois disseisi, il auera dōques vn brief de Postdisseisin, & cestuy q̄ est pris & imprisō pur redisseisin, ne serra deliuer sans spe-

ple, fee taile, for terme of his owne life or for terme of an other mans life. But the tenant by Elegit, tenant by statute marchand and Statute staple may haue assise, howbeit that they haue no freehold and this is ordeined by diuerse statutes.

Also in an assise it is needfull alwaies that there be one disseisor and one tenant or otherwise the writt shall abate.

Also where a man is disseised and recovereth by assise of nouel disseisin and afterwarde is againe disseised by the same disseisor, hee shall haue against him a writte of redisseisin directed to the Sheriffe to make inquisition, and if the redisseisin bee founde hee shall be sent to prison. Also if one recover by assise of Mortdandeceter, or by other lurie or default or by reddition, and if he bee an other time disseised, then hee shall haue a writte of Postdisseisin, and he which is taken and imprisoned for redisseisin shall not bee deliuered without speciall

Merton cap 3

West 2. 26.

ciall commandement of the King. See the Statutes thereof Merton cap. 3. Marlebridge cap. 8. And Westminster 2. Chapter. 26. There is also an other Writte called Assise of Fresh force, & lieth where a man is distrayned of tenementes which are diuisible, as in the Citie of London or other Boroughs or Townes that be franchises, then the defendant shall come into the Court of the said Towne and enter his playnt, and shall haue a writ directed to the Mayor or Bayliffes &c. and thereupon shal passe a Iurie in manner of assise of nouel disseisin. But it behoueth that he doe enter his plaint within forty daies as it is said or otherwise he shalbe sent to the common law. And if the Officers delay the execution, then the plaintiffe shall haue an other writ to haue execution, And a Siccut alias, and a Pluries &c. See Litt. cap. 20. Writs, A Writte is a woorde of two significations.

cial commandement le Roy. Vide les estatutes inde Merton ca 3. Marlbridge, Cap. 8. Et Westminster 2. Cap. 26. Auxy, il est vn auter Afsise appell Afsise de Freshforce & gift l'ou homme est disceissie de tenemens queux son deuables, come en le Citie de London ou auter Boroughs ou villes que sont enfranchises, donques le defendant viendra en la Court de dit Ville & entra son plaint, & aua vn brieve direct al Maire ou Baylives &c. & sur ceo passera vn Iurie en maner dafsisse de Nouell differfin, Mes il couient que il entra son pleint deins x. iours, y dicir ou autrement il terra misse a le common ley, Et si le ministres de lay execution, donques le plaintife auera yn auter brieve d'aucer execution. Et Sicut alias, & Pluries &c. Vide Littlef Ca. Rents, Afsise & noisne equiuocum &c.

D. iij. 59 AC

The Exposition of

59 Afsise de darraime
presentment.

A Ssise de darraim presen-
ment, vide de ceo ap^r titu-
rulo Quare impedit.

60 Afsise de Mort-
dancester.

A Ssise de Mortdancester,
vide de ceo apres titu-
lo Cofinage.

61 Attainder.

A Trainder, est vn con-
uictiō d'aucun' person
d'un crime ou fault, dont
il ne fust conuicté deuant,
si come vn home fait fe-
lony, treason, ou tiels se-
blables, & de ceo est en-
dicté, arraigh, & troue
guiltie & adiudge, don-
ques il est dit deste at-
tainr, & ceo poiet este
deux voies, lun sur appa-
rance, le aut sur default: le
attainder sur apparance,
est per cōfession, bataille
ou verdict, le attainder
sur default est per pcesse
tanque il soit vilage.

62 Attainr.

A Taint est vn brieve &
gist lou faux verdict
est done per xij. homes &

Afsise de darraime
presentment.

A Ssise de darraime pre-
sentment, look therof af-
ter in y title Quare impedit

Afsise de Mortdan-
cester.

A Ssise de Mortdancester,
look therof in the title
Cofinage.

Attainder.

A Trainder, is a conuictiō
of any person of a crime,
or fault whereof hee was
not conuict before, as if a
man haue committed felo-
ny, treason, or such like, and
thereof is indicted, arraig-
ned and found guiltie and
hath iudgement, then hee
is said to be attainted, and
this may bee two waies,
the one vpon apparance, the
other vpon default, the at-
tainder vpon apparance is
by confession bataille or
verdict, the attainder vpon
default is by pcesse untill
he be outlawed.

Attaine.

A Taint, is a writ and is
eth where false verdict
is given by twelue men, &
iudges

iudgement giuen thereon, that the partie agaynst whome they haue passed, shall haue a writ agaynst the iurors, and when they be at issue it shall bee tried by xxiij. Iurors, and if the false verdict be found, the iurors men be attaint, and then the iudgement shall bee, that their meddowes shall be apyed, their houses broken downe, their woods turned vp, and all their landes and tenements forfeited to the king, but if it passe agaynst him that brought that attaint, he shall be imprisoned and grieuouly rauanomed at the kinges will. See the statute 23. H. 8. cap. 3. Attaint also is when iugement is giue in Treason or Felonie.

iudgement done sur ceo, donque le partie vers que ils auoyent passe auera cest brieve vers les douze homes, & quant ils sont a issue, il serra trie per vynt quater iurours, & si faux verdict soit trouue, les douze iurours sont attaint, & donques le iudgement serra que leur prees serront aires, leur measons debruses, leur boyes subuertes, & tous les terres & teneiments forfeites al Roy, mes sil passa encontre celuy que port l'attaint, il serra imprison & grieuoument rancome al volut le Roy. Vide le Statute 23. H. 8. cap. 3. Attaint auxy est quant iudgement est done en treason ou felony.

63 Attournement.

Attournement, is when one is ternaunt for terme of life, and he in reuerfion or remainder granteth his right or estate to another, then it behoueth the tenant for terme of life to agree thereto, and this agreement is called an Attourn-

Attournement.

Attournement, est quant vn est ternaunt pur tme de vie, & cestuy en la reuerfion ou remainder granta son droit ou estate a vn autre, donques il couient q le tenat pur tme de vie agree a ceo, & ce agreement est appel attourn-

D.iii. ment,

The Exposition of

ment, car si cestuy en le reuerſiō grant ſon eſtate, & ſon droit a vn auter, ſi le tenāt pur terme de vie ne attourna, riens paſſe per le grant.

Mes ſil ſoit grāunt per ſine en Court de record, il ſerra compel de attourner, Et vide de ceo apres titulo *Quid iuris clamar*, vide plus de ceo en Litt^{le} lib 3. cap. 10.

64 ¶ Audita quærela.

AVdita quærela, eſt vn briefe & giſt lou vn eſt oblige en vn eſtatute marchant, eſtatute Staple ou Recogniſſance, ou lou iudgement eſt done vers luy pur det, & ſon corps in executiō ſur ceo, donques ſil ad vn releas ou auter ſufficient matter deſte diſcharg del execution, mes nād iour de ceo pleder, donques il auera ceſt briefe vers ceſtuy que ad recouer, ou vers les executours.

65 ¶ Auerment.

AVerment eſt lou vn homme plede vn plee en a-

ment, ſoz if he in the reuerſion graunt his eſtate and his right to another, if the tenant ſoz terme of life attorne not, nothing paſſeth by the graunt.

But if it be grāunted by ſine in Court of record hee ſhalbe cōpelled to attorne, And loke therof after in the title *Quid iuris clamar*, loke moze of this in Littleton Lib. 3. chap. 10.

¶ Audita quærela.

AVdita quærela, is a writt and it lieth where one is bounde in a Statute marchant, Statute Staple or Recogniſſance, or where iudgement is giuen againſt him ſoz debt and his bodie in execution thereupon, the if hee haue a releaſe or other matter ſufficient to be diſcharged of execution but hath no day in Court there to pleade it, then hee ſhall haue this writte againſt him which hath recouered, or againſt his executours.

¶ Auerment.

AVerment, is where a man pleadeth a plee in a-

batement of the writ or bar of ſ action, which he ſaith he is ready to proue as the court will aſwarde, this offer to proue his plea is called an Auerment.

66 ¶ Auerpeny.

A Verpenie, that is to bee quit of diuers ſummes of money for the kings Auerages.

67 Auncien demefne.

Auncien demefne are certain tenures holden of thoſe Manors that were in the hands of Saint Edward the confeſſor, and the which he made to be writen in a Booke called Domes daie, Sub titulo Regis, and all the landes holden of the ſaid Manors bee auncien demefne, and the tenants ſhall not bee impleaded out of the ſaide Manors, and if they be, they may ſhew the matter and abate the writ, but if they anſwere to the writ, and iudgement be given, then the landes become franke ſee for euer. Alſo the tenants in auncien demefne, be free of tolle for all

batement de brieſe ou barre d'actiō, quel il diſt, il eſt priſt de prouer come le Court voit agard, ceſt offer de prouer ſon plea eſt appel vn Auerment.

¶ Auerpeny.

A Verpeny, hoc eſt queſſe de diuerſis denarijs pro aueragijs domini Regis.

Auncien demefne.

Auncien demefne ſont cert tenures tenus de ceux Manours queux furent en maynes de S. Edward le confeſſor, & les queux il liſt eſcrier en vn liuer appelle Domes day, Sub titulo R. & toutes les terres tenus del dit Manors ſont auncien demefne, & les tenants ne ſerrōt implede hors del dit Manors, & ſils ſont ils poiēt monſtre le matter & abater le brief, mes ſils reſpōder al brief & plede & iudgēt done, doncs les terres ſōt deuenus frank ſee a tous iours. Auxi tous tenants en auncien demefne ſont franke de tolle, pur tous choſes

The exposition of

chofes concernant leur viand & husbandry en auncien demefne, & pur tiels terres ils ne feront mis ne impanel fur aucun enquest. Mes tous les terres en auncien demefne queux sont en maines le roy sont frank fee & pleadable al common ley. Veies plus apres en le title Sokmans.

things concerning their sustenance and husbandry in auncien demefne, and for such landes they shall not bee put or unpanelled vpon any inquest. But all the landes in auncien demefne, that are in þ kings hands, bee franke fee and pleadable at the Common lawe. See moze after in the title Sokmans.

68 **Auowrie.**

Auowrie.

AVowrie est lou vn prist distresse pur rent ou auter chose, & l'auter sua replein donques celui q auoit prise iustificera en son plee, pur quel cause il prist ceo, & si il prist ceo en son droit demefne il ceo doit monstre, & ilsint auowa le prisel, & ceo est appel son auowry: Mes sil ceo prist en ou pur le dñe de vn auter, donq quant il auoit monstre le cause, il ferra conuñce del prisel, come bailie ou seruāt a celui en que droit il prist ceo.

AVowrie, is where one taketh a distresse for rent or other thing, and the other saith replein, then he that hath taken it shall iustify in his plee, for what cause he took it, and if he took it in his owne right hee ought to shewe that, and so auowe the taking, & that is called his auowry: but if he took it in or for the right of another, then when hee hath shewed the cause, hee shall make conuñce of the taking, as bailie or seruant to him in whose right hee did take it.

69. Baile

69

Baile.

BAile, is when a man is taken or arrested for felonie, suspicion of felonie, indicted of felonie, or any such case, so that he is restrained of his libertie. And being by law bailable, offereth surety to those which haue authoritie to baile him, which suerties are bound for him to the Queenes vse in a certaine summe of money, or bodie for bodie, that hee shall appeare before the Iustices of Gaole deliuerie at the next Sessions &c. Then vpon the bondes of these suerties, as is aforesaid, he is bailed, that is to saye, set at libertie vntil the day appointed for his appearance.

Bailement.

BAilement, is a deliuerie of things whether it be of writings, goods or stufle to another, sometimes to be deliuered back to the bailor, that is to saye

B.

Baile.

BAile, est quant vn hōe est pris ou arrest pur felonie, suspicion de felonie, indict de felonie, ou ascun tiel cas, ainsi que il est restraing de son libertie. Et esteant per la ley bailable, offereth suertie al eux que ont auctoritie de luy bailer, qux suerties sont obliges pur luy al vse le Roigne en vn certain somme d'argent, ou corps pur corps, q'il appearera deuant les Iustices gaole deliuerie al prochain sessions &c. Dōques sur le bonds de ceux suerties, cōe est auantdit, il est baile, cest adire, mis al libertie tanq le iour appoint pur sō apparāce.

Bailement.

BAilement, est vn deliuerie de choses, soyent ils de escripts, biens ou stufle al auter, ascun foits destre redeliner arriere al bailor, cest adire

al

The exposition of

al celuy que ifsint deliuer
ceo, aucun foits al vse del
bailee, cest adire de luy a
que il est deliuer, & aucun
foits auxy il est deliuer a
vn tierce person, cest deli-
uerie est appell vn baile-
ment.

to him that so deliuered it,
sometimes to the vse of the
baillife, that is to saye, of
him to whome it is deli-
uered, and sometimes also
it is deliuered to a thirde
person, this deliuerie is
called a bailement.

71 Bailife.

BAilife est vn officer que
appertient a vn manor,
pur order le husbandrie,
& ad auctoritie de paier
quite rents issuing hors
del manor, succider ar-
bres, repaire les meafons,
faire pales, haies, distraine
aüs dān fefāt sur le terr',
& diūs tiels semblables.

Cest officer est celuy q̃
les auncient Saxons ont
appel vn Reue, car le nos-
me Bailife ne fuit donq;
conus enter eux, mes viēt
eins oue les Normans, &
est appel en Latin Villa-
cus.

Bailife.

BAilife is an officer that
belongeth to a mannor,
to order the husbandrye,
and hath auctoritie to paye
quite rents issuing out of
the mannor, fell trees, re-
paire houses, make pales,
hedges, distraine beastes
doeing hurt vpon the
ground, and diuers such
like.

This officer is he whom
the auncient Saxons cal-
led a Reue, for the name
Bailife was not yet kno-
wen amongst them, but
came in with the Nor-
mans, and is called in La-
tyn Villicus.

72 Backberinde theefe.

BACKberind theefe ē vn
laron q̃ est prise oue le
maner, cest adire, aiāt ceo
troue sur lui esteāt pursue

Back berind theefe.

BACK berinde theefe is a
theefe that is taken
with the maner, that is to
say, hauing that found vpon
him (being folloved
with

with the hue and crye)
which hee hath stolen,
whether it be money, lyn-
nen, wollen, or other stuffe,
but it is most properly
said, when he is taken ca-
rrying those things that
he hath stolen in a bundell
or fardel on his backe.

ou le hue & crye) le quel
il ad emblee, soit il mo-
ney, lynnenn, wollen, ou
auter stuffe: mes il est pl^r
properment dit, quant il
est prise portât tiels cho-
ses que il ad emblee en
vn bundel ou fardel sur
son dorse.

73 Bargaine and sale.

Bargaine and sale is whē
a recompence is giuen
by both the parties to the
bargaine: as if one bargain
and sell his land to an o-
ther for money, heere the
land is a recompēce to him
for the money, & the mo-
ney is a recompence to the
other for the land, & this
is a good contract & bar-
gaine, and see simple pas-
seth notwithstanding hee
doeth not save to haue and
to hold the land to him and
to his heires. And by such
a bargain and sale landes
may passe without liuerie
of seisin, if the bargain &
sale be by dede indented,
sealed & inrolled, either in
the countie where the land
lieth, or in one of the M.
courts of record at West-
minster within vi. moneths

Bargaine & sale.

Bargain & sale est quāt
vn recompence est don-
né par ambideux les parties
al bargain: come si vn
bargain & vend son terre
al auter pur argent, icy le
terre est vn recompence
a luy pur le argent, & lar-
gent est vn recompence
al auter pur le terre, & cē
est vn bone contract &
bargaine, & see simple
passa nient obstant il ne
dit a auer & tener le f're
a luy & a ses h'rs. Et p tiel
bargaine & sale terres
poient passe sans liuerie
de seisin, si le bargain &
sale soit per fait endent,
seale & enrolle, ou en le
countie ou le terre gist,
ou en vn des Courts del
Roigne de recorde, al
Westm deins fixe mois
pro-

The Exposition of

prochein apres le date de
meisme le escript endent,
accordant al statute en ce
case fair en le 27. an de H.
8. cap. 16.

next after the date of the
same writing indented,
according to the statute in
that behalfe made in the 27
yeere of H. 8. ca 16.

74 Barre.

BArre, est quant le defe-
dant en aucun action
plede vn plee que est vn
sufficient respons, & ceo
adnul le action del plain-
tife a tous iours.

Barre.

BArre, is when the defen-
dant in any action pleas-
deth a plee which is a suf-
ficient answer, and that
destroynth the action of the
plaintife for euer.

75 Base fee.

TEnen en Fee base, est a
tenir a volunt le Seig-
nion.

Base fee.

To hold in Fee base, is
to holde at the will of the
Lorde.

76 Bastarde.

BAstard, est celuy que est
nee de aucun feme ni-
ent espouse, isint que son
pere nest conus per le or-
der del ley, & pur ceo il
est dit filius populi.

Bastardie.

BAstardie, is hee that is
borne of any woman not
married, so that his father
is not knowen by the or-
der of the lawe, and there-
fore he is called the childe
of the people.

Mes per la ley del Ro-
mish esglise, si vn engen-
der vn enfant sur aucun
feme, quel enfant est nee
hors del espousels, & puis
il espouse in la femme,
donques uel enfant sera
dit Mulier, & nemy ba-
starde.

But by the law of the
Romish Church, if one
get a child vpon a woman
which childe is borne out
of wedlocke, and after hee
marrie the same woman,
then such a childe shall bee
saide Mulier, and not ba-
starde.

But

But by the law of England he is a bastard, and for that cause when such special bastardie is alleaged, it shalbe tryed by the countrey, and not by the Bishop. But generally bastardie alleaged shalbe tryed by the certificate of the Bishop.

And if a woman be great with childe by her husband who dyeth, and shee taketh an other husbände, and after the chylde is bozne, this chylde shal be said the childe of the first husbände. But if shee were priuily with childe at the time of the death of her first husbände, then it shalbe said the childe of the second husbände. But inquire farther and see the opinion of Thorp 21. E. 3. 39.

Also if a man take a wife which is great with child by another that was not her husband, and after the childe is bozne within the espousels, then it shall bee said the childe of the husband, though it were bozne but one daye after the espousels solemnised.

Mes per la ley Dengleterre il est bastarde; & pur cest cause quant tiel especiall bastardie est alleage; il serra trie per le pais, & nemy per Leuesque. Mes generalment bastardie alleage serra trie per le certificat del Euesque.

Et si vn feme soit grosse de enfant per son baron que morust, & el prist auter baron, & apres le enfant est nee, cest enfant serra dit lenfant le premier baron. Mes si el fuit priuement enseint al temps del mort sa premier baron, donques il serra dit lenfant del second baron. Sed quere & veies le opiniõ de Thorp 21. E. 3. 39.

Auxi si vn home prent feme que soit grossement enseint per ascũ aut q ne fuit son baron, & apres lenfant est nee deins les espousels, donques il serf dit lenfant le baron mesque il fuit nee forsq. vn iour apres les espousels solempnise.

The Exposition of

77 **Bataille.**

BAttaile est vn auncient trial en nostre ley, que le defendant en vn appeal de murder, robbery, ou felonie poit esliuer, cestascavoir, a combater ou lappellât, pur prooſe ſil ſoit culpable del felonie ou non : quel combat il ſuccede ſibien del part le defendant que il vanquiſh lappellant, il alera quite, & luy barreira de ſon appeal a tous iours. Mes ſi vn ſoit indiſt de felonie, & vn appeal eſt port ſur meſme le indiſtment, la le defendant ne gagera le battail: bataille auxi poit eſtre en vn brieſe de droit.

78 **Bigamy.**

Bigamy, fust vn counterple (deuiſe al counſeel de Lions ſur miſlike de ſecond mariage) deſte obiect quant le benefite de clergie, ceſtaſcavoir, ſon liuer, come noſment a dire, que il que demaund le priuiledge del Clergie, fuit marrie a tiel femme en tiel lieu,

Bataille.

BAttaile is an auncient trial in our lawe, which the defendant in an appeal of murder, robbery, or felonie may chuse, that is to ſay, to fight with the appellant, for prooſe whether he be culpable of the felonie or not: which combat, if it fall out ſo well on the part of the defendant that he doth vanquiſh the appellant, he ſhall go quit & barre him of his appeal for ever. But if one be indiſted of felony, & an appeal is brought vpon ſame indiſtment, there the defendant ſhall not waige bataille: battaile alſo may be in a writ of right.

Bigamy.

Bigamy, was a counterplea (deuiſed at ſ counſeel of Lions, vpon miſlike of ſecond mariage) to be obiected when the priſoner demaundeth the benefite of the clergie, to wit his booke, as namely to ſay, that he which demaundeth the priuiledge of the clergie, was married to ſuch a woman, at ſuch a place, within

Within such a diocesse, and that shee is dead, and that hee hath married another woman within the same diocess or within some other diocess, and so is Bigamus. ¶ If he haue been but once married, then to saie, that shee whome hee hath married, is or was a widowe, that is to saie, the left woman of such a one &c. which thing shall be tryed by the Bishop of the Diocess where the marriages are alleadged. And being so certified by the Bishop, the prisoner shall loose the benefice of the clergie. But at this day by force of the acte made in An. 1. E. 6. ca. 12. this is no plea, but that he may haue his clergie that notwithstanding.

¶ In the Book titulo clergie placito 20. to the same purpose. And hereupon if you bee desirous to see what reasons they haue that perswade against second marriages, read among many others Frances Petrarche of remedies for both fortunes, the first booke & lxxvi. Dialogue,

deins tiel diocess & que el est mort, & que il ad apres marrie vn aut feme deins mesme le diocessle ou deins ascun auter diocessle, & issint Bigamus. Ou sil nad este forsque vn temps marrie, donques adire que el que il espouse est, ou fuit vn vief, cest adire, le relicté dun tiel &c. Le quel chose serra trie per Leuesque de le Diocessle ou le espousals sont alleage. Et estant issint certifie per Leuesque le prisoner perdra le benefice del clergie: Mes al cest iour per force de le acte fait en Anno 1. E. 6. cap. 12. cest nul plea, mes que il poet auer son clergie ceo n'iest obstant.

¶ Issint est Brooke titulo Clergie placito 20. al mesme purpose. Et sur ceo si vous estes desirous, de veyer qux raisons ils ont que perswade enuers second espousals, lege en diuers auters Frances Petrarche de remedius vtriusque fortunæ le premier liuer & lxxvi. Dialogue, E. 1. inti-

The Exposition of

intituled de secūdis nup-
tiis, quel liuer ore tarde
Master Thomas Twine
ad bien & oue bon grace
(come ils q̄ poyent ind-
gen dioune.) translate
hors de Latin en Englois,
& multi aptement appell-
ceō Phisicke encounter
fortune.

79 **Bloodwit.**

Bloodwit, hoc est quic-
tum esse de amercia-
mentis de sanguine fuso,
& que teneantur placita
in curia vestra, habebitis
amerciamēta inde pro-
uenientia quia (wit) en
Anglois est misericordia
en Latin.

80 **Boote.**

Boote, est un viel parol,
& il signifie helpe, suc-
courayde, ou aduantage
& est communmēt ioynt
oue un autre parol, que
signification il augment
come ceux bridgeboote,
burghboote, fireboote,
hedgeboote, plowboote,
& diuers tiels sembla-
bles, par queux signifi-
cations, veyes en leur pro-
per rules.

intituled of second marri-
age, which Booke now of
late Master Thomas
Twine, hath very well,
with good grace (as they
that can indge do say) tra-
nslated out of Latin into
English, and most aptly
called it Phisicke against
fortune.

Bloodwit.

Bloodwit, that is, to be
quit of amercementes
for bloudshedding, and
what pleas are holden in
your court, you shall haue
the amercementes thereof
comming, because (wit)
in English is misericordia
in Latin.

Boote.

Boote is an old woȝde, &
signifieth helpe, succor,
ayde or aduantage, and is
commonly toynd with an
other woȝde, whose signi-
fication it both augment,
as these, bridgeboot, burgh-
boot, fireboote, hedgeboot,
plowboote, and diuers o-
thers such like, for whose
significations look in their
proper titles.

Blood-

81 Broodhalpeny.

Broodhalpeny, in some copies, broodhalbeny, that is to be quit of a certain custome exacted for setting vp of tables.

Broodhalpeny.

Broodhalpeny, en ascū copies, broodhalbeny, hoc est, quietum esse de quadā consuetudine exacta pro tabulis leuatis.

82 Burgage.

Burgage.

To hold in Burgage, is to hold as if y Burgais holde of the King, or of another lord, landes or tenements, yeelding to him a certain rent by y pere, or els there, where an other man then burgeis holdeth of any lord, lands or tenements in burgage yeelding to him a certain rent by pere.

Tener en Burgage est a tener sicōe les burgeis teignēt de Roy, ou de aut seignieur terres ou tēts rendant a luy vn certaine rēt p an, ou autrement la ou vn auter home q Burgeis tient dascun Seignour terres ou tenemens en Burgage rendant a luy vn certaine rent per an.

83 Brugbore.

Brugbore, (and in some copies Bridgbote) that is to be quit of giuing aide to the repaying of bridges.

Brugbore.

Brugbore (& en ascū copies bridgbote hoc est quietum esse de auxilio dando ad reficiendum pontes.

84 Burghbore.

Burghbore, that is to be quite of giuing ayde to make a Borough, castell, citie, or wailes throughe doونه.

84 Burghbore.

Burghbore, hoc est quietum esse de auxilio dando ad faciendum Burghum, castrum, ciuitatem vel muros prostrata.

Enil. Burgh-

The exposition of

85 Burghbrech.

BVrghbrech, hoc est queru esse de trasgressi-
onibus factis in ciuitate
vel Burgo contra pacem.

Burghbrech.

BVrghbrech, that is to be
quit of trespasses done
in Citie or Borough a-
gainst the peace.

86 Burgh English.

BVrgh English, ou Bo-
rough English, est vn
custome en vn auncient
borough, ou li vn hōe ad
issue diuers firs & mortu-
vncore le puisne firs sole-
ment inheritera, & auera
touts les terres & tenens, q
fueront a son pere de q il
mortu seise deins in le
burgh per discent, come
heire a son pere, p force
del custome de mesme le
burgh.

Burgh English.

BVrgh English, or Bo-
rough English, is a cu-
stome in foure auncient bo-
rough, that if a man haue
issue diuers sonnes & dy-
eth, yet the yongest sonne
only shal inherite and haue
all the lands & tenements
that were his fathers,
wherof hee dyed first
within the same burgh by
discent, as heire to his fa-
ther by force of the custome
of the same borough.

87 Burglarie.

BVrglarie, est quant vn
debruse & enter en le
maison dun auter en le
nuit, oue felonious intē,
de robber ou occider ou
de faire auter felony en
queux cases nient obstāt
il ne emport riens, vncore
il est felony p que il terra
pendue. Autrement est fil
sout en le iour ou que il

Burglarie.

BVrglarie, is when one
breaketh & entereth into
the house of another in
the night with felonious
intent to robbe or kill, or
to doe some other felony,
in which cases although
hee carrie away nothing,
yet is it felony, for which
hee shall suffer death. O-
therwise it is, if it bee in
the day time, or that hee
bycane

breake the house in the night, and enter not therein at that time.

But if a seruant will conspire with other men to robbe his Master, & to that intent he openeth his Masters doores and windows in y night for them, that they come into the house by that way, this is Burglarie in the Strangers, and the seruant is a theefe but no Burglar. And this was the opinion of the right worshipfull sir R. Manwood knight, most wor: his Lorde chiefe Baron of the Exchequer, at the quarter Sessions holden at Canterbury in January 1579. 21. Eliz.

debruse le meason en le nuit, & ne entre pas en ceo a cest temps.

Mes si vn seruant voile conspire oue auters de robber son Master, & a cel enter il ouer les dores, & fenestres de son Master en le nuit pur eux, & ils vient en le meson per cest voy, cest Burglarie en les estrangers, & le seruant est vn laron, mes nemy Burglar. Et ceo fust l'opinion de le right worshipful Sir R. Manwood Chivalier, plus digne Seignior chief Baron de le Exchequer a la quarter Sessions tenus en Canterbury in Ianuary 1579. 21. Eliz.

87 Capias.

Capias, looke for that alster in the title Proces.

89 Caruage.

Caruage, that is, to bee quite if the king shall take at his land by carues. Note that a Carue of land is a plow land.

Capias.

Capias, vide de ceo aps en la title Proces.

Caruage.

Caruage, hoc est, quietu esse si dñs Rex talliauerit totā terrā suā per Caruas. Nota q̄ vn carue de t̄re est vn plow land.

90 Certification of alsafe.

Certification of Alsife of nonei disseisin, is a

Certificatio in alsife.

Certificatio Alsife nouz disseisine, est vn E.iii. briefe

The exposition of

briefe & gift lou le bay-
life le tenr in Alsise plede
nul tort &c. & parde per
lalsise, donques si le tenr
ad vn releafe ou auter e-
script a pleder, il auera
cest briefe, & les primers
iurors seront garnes d'ap-
perer deuant les Iustices
& parties auxi, donques
si pait este troue que le
releafe ou lescripts sont
voyer & bones, cestuy
qui recoueroit in lalsise,
rendra damages en dou-
ble & perdra la terre.

91 Cerciorari.

Cerciorari, est vn briefe
& gift lou vn est im-
plede en vn base Court,
que est de recorde, & il
suppose que il ne poit au
equal Iustice la, donques
sur vn bill en la Chan-
ce-rie comprisant alcu mat-
ter en conscience, il au-
ra cest briefe pur remo-
uer tout le Record en la
Chauncery, & la dest-
determin per conscience,
mes sil ne proua son bill,
donques l'auter party a-
uera vn br de Procondo
a remauid le record en la

Writ, and lieth where the
Writte of the tenant plea-
deth no wrong, &c. & lieth
by the Alsise, then if the te-
nant haue a releafe or o-
ther writting to plead he
shall haue this writ, and
the first Iuroys shall be
warned to appeare before
the Iustices and the par-
ties also, then if it may be
found that the releafe or
writtings are true & good,
he that recovered in the
Alsise shall paye double
damages, and shall lose
the land.

Cerciorari.

Cerciorari, is a writ and
it lieth where one is im-
pleaded in a base court, that
is of record, and he suppo-
seth that he may not haue
equal Iustice there, then
vpon a bill in the Chan-
cery comprising some matter
of conscience he shall haue
this writ to remove all the
Record in the Chancery
there to be determined by
conscience, but if he prou-
not his bill, then the other
partie shall haue a writ
of Procondo, to send a-
gain the Record into the
base

base court, & there to be determined. And it lieth in many other cases, for to remove records for the king as indictments and other.

92 *Adm. Reg. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

Cession.

Cession is when an Ecclesiastical person is created Bishop, or when a parson of a parsonage taketh another benefice without dispensation or otherwise not qualified &c. In both cases their first benefices are become void, & be said to become void by cession, and so those that he had who was created bishop, The king shall present for the time whosoever be patron of the. And in other case the patron may prefer.

93 *Adm. Reg. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

Cessavit.

Cessavit, is a writ, and it lieth where my vertie tenant which holdeth of me certaine lands and tenements, paying certaine rent by the year, & the rent is behind not paid by two years, and no sufficient distress may be found upon the land, then I shall recover the land, but if the

94 *Adm. Reg. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

base Court, & la destre determine. Auxi il gist en plusieurs aut's cases par remove Records pur le roy cōe indictments & auters.

95 *Adm. Reg. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

Cession.

Cession est quant un ecclesiastical person cree Euesq; , ou quant un person dun parsonage prist un aut benefice sans dispensation ou autrement n'est qualifié &c. En ambideux cases leur prim benefices sont deuenus void & sont appel destre void par cession, & al ceux q il ad que fuit cree euesq; , Le Roigne presetera pro illa vice, quicunque soit patron de eux. Et en laut case le patron poit prefer.

96 *Adm. Reg. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

Cessavit.

Cessavit, est un brief & gist lou mo verie tenant q tient de moy certeine terre ou tenements rendant certeine rent p an; & le rent est arriere nient paye par deux ans, & nul sufficient distress poit estre trouue sur le terre, donqs ieo auera cest brief p q ieo recouera le terre, mes si le

97 *Adm. Reg. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

E. iij. tenant

The Exposition of

tenant vient in Court deuant iudgement, & rend le arrearages, & les damages, & trouue suerty que il ne cessera plus de paier de dit rent, ieo serra cōpel de prēder les arrearag, & les damages, & donq; le tenant ne perdera la terre. Auxy heire ne poyt maintaine cel brieve pur cesser fait en tēps son aūcestor, Auxy cest brieve ne gist, mēs pur annuall seruice come rent & humilmodi & nient pas pur homage & fealtie.

Auxy il y ad auter brief appel Cessauit de cantaria, & gist ou vn donec terres a vn meason de religion a trouer pur l'ame de luy & de ses aucestors, & de ses heires annuellement vn chandel ou Lampe in Eglise, ou pur faire aueu diuine seruice, ou de passer les povers, ou auter almes, ou auter chose faire, donques si les dits charges ne sont pas fait per ij. ans, donq; le donor ou ses heires auerā cest brieve vers quecun que est eins apres tel

tenant come into the court before iudgement giuen, and tender the arrearages and damages, and finde suerty, that he shall cesse no moze in payment of the sayde rent, I shalbe compelled to take the arrearages and the damages, and then the tennant shall not lose the lande. Also the heire may not maintaine this writte for the cesser made in the time of his aucestor, Also this writt lieth not oue for Annuall seruice as rent and such other and not for homage and fealtye.

Also there is an other writt called Cessauit de cantaria, and it lieth where a man giueth land to a house of religion to finde for his soule and his aucestors, and his heires, partly a Lampe in the Church, or to say deuyne seruice or to seide the masse, or other almes, or some other thing to doe, then if the said charge be not done in two yeres, then the donor or his heires shal haue this writt against whosoeuer holdeth the thinges giuen after such cessure.

cessore. See the Statute
W. 2. cap. 41.

cessor. Vide lestatut W.
2. cap. 41.

94 Challenge.

Challenge, is where Jurors appear to try an issue, then if any of the parties suppose that they are not indifferent they may there challenge and refuse them.

There be diuers challenges, one is challenge to the array, & other to the polls.

Challenge to the array, is when the panel is fauorably made by the Shirefe or other officer.

Challenge by polls are some principall and some by cause as they call it.

Principall, is when one of the Jurors is the sonne, brother or cousin, to the plaintife or defendat, or tenant to him or that he hath espoused the daughter of the plaintife, and for those causes he shal be sworn.

Also in a plee of the death of the man and in euery action real and in actions personall, if the debt or damages amount to forty markes it is a good challenge, that he cannot

Challenge.

Challenge, est lou Jurors apperôt pur trier vn issue, donques si aucun des parties supposent que ils ne sont pas indifferêt, la ils poient eux challêge & refuse.

Ils ad êe diuers challêges: vn est challêge al array: l'auter est al polles.

Challenge al array est quant la panel est fauorablement fait per le vicount ou auter officer.

Challêge p les polls sôt alguns principal, & aucun p cause, cõe il appel ceo.

Principall est quant vn des Jurors est le firs, frere ou cosin al plaintife ou defendant, ou tenant a luy, ou q il auoit espouse la fille le plaintife, & pur ceux causes il serra retrait.

Auxi in plee de le mort de hœ & en chefc action real, & en actions personnal, si le det ou damages amount a xl. marks il est bon challêge q il ne peut dispende

The exposition of

dispender xl. shillings per
an de franketenement.

Challenge per cause
est ou le party alleage vn
matter que nest princi-
pal challenge, come que
fuis dun des iurors es-
pouse la file le plaintife,
& donques conclude &
pur ceo il est fauorable,
quel serra trie per auters
del enquest, si il soit fa-
uorable ou indifferent,
& si ils dient que il est
fauorable, & nemy in-
different, donques il ser-
ra tret autrement il serra
iure.

Auxy vn felon que est
arraigne poyt challenge
xx. iurours peremptory
luns ascun cause, & ceo
est in fauore vite, & tant
que il voile oue cause,
mes donques il serra trie
si pur nel cause il soit in-
different ou nemy.

95 Champertie.

Champertie est vn brief
& gist lou deux hoes
font impledants, & lun
done la moitie ou parte
del chose in plee a vn
estranger pur luy main-

dispens. by the part of
frehold.

Challenge by cause, is
where the party doeth al-
lege a matter which is
no principall challenge, as
that the Sonne of one of
the Iurors hath espoused
the daughter of the plain-
tife, and then hee doth con-
clude, and therefore he is
fauorable, which shall be
tried by others of the en-
quest, whether he be fau-
orable or indifferent, and if
they say, he is fauorable
and not indifferent, then he
shalbe drawn out, other-
wise he shalbe sworn.

Also a felon that is ar-
raigned may challenge xx.
Iurors peremptory with-
out any cause, and that is in
fauour of life, and as many
as he will with cause, but
then it shall bee tried if for
such cause he be indifferent
or not.

Champertie.

Champertie is a writte
and lyeth where two
men be impleading, and
one giueth the halle or part
of the thing in plee to a
stranger for to main-
taine

tain him against the other, then the partie graunted shal haue this writ against the stranger. See the Statute Articuli super Chartas cap. 11.

reiner encounter l'auter, donques le partie greue auera cest brieve deuers lestrange: Vide lestatute Articuli super Chartas Cap. 11.

96 Champertors.

Champertors be they that moue ples and suites, or cause to bee moued by their owne or others procurement, and sue them at their owne costes, to haue part of the lands, or gaines in variance.

Champertors.

Champertors sont ceux q moua ples & luits, ou cause destte moue, per leur ou auters procurement, & sue a leur costages & charge deuesne, pur auer parte del terre, ou gaines en variance.

97 Charge.

Charge is where a man graunteth a rent issuing out of his ground, and that if the rent be behind, it shalbe lawfull for him, his heires and assignes to distrayne till the rent be payed, this is called a rent charge. But if one graunt a rent charge out of the land of an other, and after purchase the land, the grant is void.

Charge.

Charge est lou vn hōe graunta vn rent issuant hors de son terre, & que si le rent soit arriere, que terra list a luy, ses heires & assignes a distrayner tātque le rent soit pay, cest appel vn rent charge. Mes si vn graunt vn rent charge hors del terre dun auter, & puis purchase la terre, le grant est void.

98 Charters.

Charters of landes are writings, deeds, evidences, & instruments, made from one man to an other, upon

Charters.

Charters de terres sont escriptes, faits, evidences, & instruments, fait de vn home a l'auter, sur aucun

The Exposition of

aucun estate conueied ou
passed perenter eux de
fres ou teneints, mōstrāt
lēs nosmes, lieu, & quan-
titie del terre, le estare,
tēps & maner del fealāns
de ycel, les parties a le e-
stare deliuer & prise, les
tesmoignes p̄sent al ceo,
oue auters circumstāces.

some estate cōueied or pas-
sed betwene them of lands
or tenements shewing the
names, place and quantity
of the land, the estate, time
& maner of the doing ther-
of, the parties to the estate
deliuered & taken, the wit-
nesses present at the same,
with other circumstances.

99 Chattels.

Chattels sont en deux
sorts, cest adire, chat-
tels reals & chattels per-
sonels, chattels reals sont
leases pur ans, gards, & a
tenir a volunt.

Chattels personels sont
touts moueable biēs, co-
me argēt, plate, biens del
meason, chiuals, vacches,
blees & uels semblables.

Chattels.

Chattels are in two sortz
that is to say, chattels
reals and chattels perso-
nals. Chattels reals are
leases for yeeres, wards, &
to hold at will.

Chattels personals are
all moueable goods, as mo-
ney, plate, household stuffe,
horses, hynē, coine, and
suchlike.

100 Childwite.

Childwite hoc est, quod
capiatis ger summa de
natiua vestra corrupta &
pregnata sine licētia ve-
stra.

Childwite.

Childwite, that is, that
you may take a fine of
your bondswoman, defiled
and begotten with childe
withou your licence.

101 Chimin.

Chimin est le hault voy
lou chescū home pal-
sa q̄ est appel via Regia,
& vncore le Roy nad

Chimin.

Chimin, is the high way
where euery man goeth
which is called via Regia,
and yet the King hath no
other

other thing there but the passage for him & his people, for the freehold is in the Lord of the soyle, and all the profit growing there, as trees and other things.

auter chose la forsque le passage pur luy & son people, car le franktenement est en le Seignior del soile, & tous les profits crellants la come arbres & auters choses.

For Thing in action.

Thing in action, is when a man hath cause, or may bring an action for some benefit due to him, as an action of debt upon an obligation, annuities, rents, covenant, ward, goods, trespass or such like, and because that they are things whereof a man is not possessed, but for recovery of them is driven to his action, they are called things in action. And those things in action that are certain, the Quene may graunt, and the grantee may use an action for them in his owne name onely. But a common person cannot graunt his thing in action, nor the Quene her selfe cannot graunt her thing in action which is uncertain, as trespass and such like.

Chose en action.

Chose en action est quant vn home ad cause, ou poit porter vn action pur alic' duitie due a luy, cōe vn action de det sur vn obligation, annuity, rent, couenāt, gard, biens, trespas, ou tiels semblables, & pur ceo que ils sont choses de queux vn home nest possesse, mes pur recouerie de eux est mis a son action, ils sont appel choses en action. Et ceux choses en action que sont certain le Roigne poit graunter, & le grante poit user vn action pur eux en son nomme demesne seulement. Mes vn common person ne poit graunter son chose en action, ne le Roigne luy mesme ne poit grater sa chose & action quel est vncertain, cōe trespas & tiels semblables.

The exposition of

103 Cinque ports.

Cinque portes, sont certain hauen villes, sink en number, as queux ad este graunt long temps passe mult liberties (que aut's port villes nont) & ceo primerint en le tēps del Roy Edward appel le Confessor (q̄ fust deuant le conquest) & fueront encrease apres, & ceo especialment en les iours del trois Edwards, le primer, second & le tierce, (aps le conquest) cōe apiert en le lieu de Domesday, & aut's vieux Monuments, queux en cest lieu seront trope long de citer.

104 Circuitie de actiō.

Circuitie de action, est quāt vn actiō est droitur elint port pur vn daitie mes vncore circum le bush cōe semble, pur ceo q̄ ceo port sibiē estre autermet respondue & determin & le suit saue, & pur ceo q̄ mesine le actiō fust plus q̄ besoigne, il est appel circuit de actiō. Come si vn home grant vn rent charge de x. li.

Cinque ports.

Cinque ports, be certain hauen townes, siue in number, to which haue been graunted long time since many liberties (that other porte townes haue not) and that first in the time of King Edwardes called the Confessor (who was before the conquest) and hath been increased since, and that chiefly in the daies of the three Edwards, the first, the second, and third (since the Conquest) as appeareth in the booke of Domesday, and other olde Monuments, which in this work should be too long to recite.

Circuitie of action.

Circuitie of action, is whē an action is rightfully brought for a daitie, but yet about the bush, as it were, for that it might as well been otherwise answered and determined, and the suite saued, and because that the same action was more then needefull, it is called circuitie of action: As if a man grant a rent charge of x. ponde out

out of his manor of Dale, and after the Graunter disseiseth the grauntor of the same manor of Dale, and hee bringeth an Assise and recouereth the lande, and xx. pound damages, the which xx. pound being paid, the grauntee of the rent sueth his action for x. pounde of his rent due during the time of the disseisin, which if no disseisin had bin he must haue had, This is called circuitie of action, because it might haue been more shortly answered, for whereas the grauntor should receiue xx. pound damages, and pay x. pound rent, he might haue receiued but the x. li. onely for the damages, and the grauntee might haue cutte off and kept backe the other x. li. in his handes by waie of detainer for his rent, and so thereby might haue saued his action.

hors de son mannor de Dale, & apres le grantee disseisist le grauntor de mesme le manor de Dale, & il port vn Assise & recouer le terre & xx. li damages lequel xx. li. esteant paie, le grauntee del rent sue son action pur x. li. de son rent due durant le temps de le disseisin, le quel si nul disseisin ad este il doit auer ew. Cest appel circuitie de action, pur ceo que il poit auer estre plus briefment respondue, car lou le grauntor doit receiue xx. li. damages, & paie x. li. rent, il puit auer receiue forsque le x. li. solement pur les damages, & le grauntee puit auer recoupe & retain arriere le autre x. li. en ses mains per voy de detainer pur son rent, & issint per ycel poiet auer saue son action.

101

CLaime.

CLaime, is a challenge by any man of the proprietie or ownershop of a thing which he hath not in possession, but that which is

CLaime.

CLaime est vn challége per aucun home de le proprietie ou ownershop de vn chose que il nad en possession, mes ceo q est detaine

The Exposition of

detaine a luy torciouse-
ment.

withholden fro him wrong-
fully.

106 Clergie.

Clergie est vn auncient
libertie confirme en
diuers parliaments, Et est
quã vn home est arraign
de felonie ou tiels sem-
blables deuant vn tem-
poral Iudge &c. & le pri-
soner pria son clergie,
cest adire, pur auer son
Lieur, quel en auncient
temps fuit autant sicome
il vst prie destre dismis-
se del temporall Iudge, &
deste luer al Ordinarie
de purger luy mesme de
mesme offence. Et don-
ques le Iudge comman-
de l'ordinarie de trier si
puit lyer come vn Clerke
en tiel luer & lieu come
le Iudge assignera, & si
l'ordinarie certifie le Iudg,
que il puit, donques le
prisoner nauera iudge-
ment de perdre son vie.
Vide Stamford. lib. 2.
cap 41. & quere le statute
18. Eliz. cap. 7.

107 Clerke Attaint.

Clerke Attaint, est ce-
stuy que pria son cler-

106 Clergie.

Clergie, is an auncient
libertie confirmed in di-
uers parliaments, And it
is when a man is arraign-
ed of felonie or such like
before a temporall Iudge
&c. and the prisoner prayeth
his Clergie, that is to say,
to haue his Booke, which
in auncient time was as
much as if hee desired to
be dismissed from the tem-
poral Iudge, and to bee de-
liuered to the Ordinarie
to purge himselfe of the
same offence. And then
the Iudge shall command
the Ordinarie to trie if he
can reade as a Clerke in
such a Booke and place as
the Iudge shall appoint.
And if the Ordinarie cer-
tifie the Iudge that he can,
then the prisoner shall not
haue iudgement to lose
his life. See Stamford.
lib. 2. cap. 41. and see the
statute 18. Eliz. cap. 7.

Clerke Attaint.

Clerke Attaint, is he
which prayeth his cler-
gie

gie after iudgement giuen
vpon him of the felonie,
and hath his clergie allow-
ed, such a clerke might not
make his purgation.

108 Clerke Conuict.

Clerke conuict, is hee
which praierh his cler-
gie befoze iudgement giuen
vpon him of the felonie,
and hath his Clergie to
him granted, such a clerke
might haue his purgation.
Note that this purgation
was made, when hee was
dismissed to the ordinarie,
there to bee tried of the en-
quest of clerkes. And ther-
fore now by the stat. of 18.
El.c.7. no such is put to
the Ordinarie.

109 Colour.

Colour, is a fained mat-
ter, which the defendand
or tenāt vseth in his barre
when an action of trespas
or an assise is brought a-
gainst him, in which hee
giueth the demandand or
plaintife a shewe at the
first sight, that hee hath
good cause of action, where
in trothe it is no iuste
cause, but only a colour and

gie apres iudgement sur
luy done de felonie, & ad
son Clergie allow, tiel
clerke ne poit faire son
purgation.

Clerke conuict.

Clerke conuict, est ce-
stuy que pria son cler-
gie deuant iudgement
done sur luy de le felo-
nie, & ad le clergie a luy
graunt, tiel clerke puit
faire son purgation. No-
ta que cel purgation fit,
quant il fuit dismissé al
ordinaire, la destre trie del
enquest del clerkes, & pur-
ceo ore per statute 18 E-
liz.ca.7. nul tiel est misso
al ordinarie.

109 Colour.

Colour, est vn fained
matter, le quel le de-
fendand ou tenant vse en
son bar, quant vn action
de trespas ou vn assise est
port enuers luy, en le q̄l
il done demandant, ou
plaintife vn shew prima
facie, que il ad bone cau-
se de action, lou en verite
il nest iust cause, mes tāt-
selement vn colour ou
Fj. visour

The Exposition of

visour dun cause: Et il est vse al entér que le determination del action doct este per les iudges, & nemy par vn ignorant lury, de xij. homes. Et pur ceo vn colour doct este vn matter en ley, ou difficult al lay gents: comme pur exemple A. port vn alsife de terre enus B. & B. dit que il m' lessa m' le terre al vn C. pur tme de vie & apres graunt le reuersion al A. le demandant, & puis C. le tenant pur terme de vie morust, apres que decease A. le defendant claimant le reuersion per force del graunt (ou C. le tenant pur vie ne vnques attorne) entra, sur que B. entra, enuers que A. pur mesme entre port cest alsife &c. Cest vn bone colour, pur ceo que les ley gents pensant que le terre voile passe per le graunt sans attournement, lou en fait il ne voyle passe &c.

Auxy en vn action de trespassse, colour doit este done, & de eux sont

face of a cause: and it is vsed to the intent that the determination of the action should be by the Judges, & not by an ignorant Jury of xi. men. And therefore a colour ought to bee a matter in law or doubtful to the common people: as for example, B. bringeth an assise of land against B. and B. saith that hee himselfe did let the same lande to one C. for terme of life, and afterwarde did graunt the reuersion to A. the demandant and after C. the tenant for terme of life died, after whose decease, B. the demandant claiming the reuersion by force of the grant (wherto C. the tenant for life, did neuer attorne) entered, vpon whome B. entered, against whom B. for that entre, brings this assise &c. This is a good colour because the common people, thinke that the land will passe by the graunt without attournement, where indeede it will not passe, &c.

Also in an action of trespassse, colour must be giuen, and of them are
an

an infinite number, one for example: in an action of trespass for taking away the plaintiff's beasts the defendant saith, that before the plaintiff had any thing in them, hee himselfe was possessed of the as of his proper goods, & deliuered them to A. B. to deliuer them to him againe, when &c. And A. B. gaue the unto the plaintiff, and the plaintiff supposing the propertie to be in A. B. at the time of the gift, took them, and the defendant took them from the plaintiff, whereupon the plaintiff bringeth an action, this is a good colour and a good plea. See more hereof in the Dialogues betwene the Doctor and Student lib. 2. cap. 13.

vn infinite number, vn pur exemple: En vn action de trespass pur prise de auers del plaintiffe, le defendaut dit, que deuant le plaintiffe riens auoit en eux, il mesme fust possesse de eux come de ses proper biens, & eux deliuer al A. B. pur eux rebailer a luy quado &c. & A. B. eux dona al Plaintiffe, & le plaintiffe suppose le propertie estre, en A. B. al temps del done prist eux, & le defendaut eux reprist del plaintiff, sur que le plaintiffe port l'action: cest vn bon colour, & vn bon plea. Vide de ceo pluis en les Dialogues ent le Doctor & Student. li. 2. cap. 13.

110 Colour of office.

Colour of office, is alwaies take in the worst part, and signifieth an act euill done by the countenance of an office, and it beareth a dissembling face of the right office, whereas the office is but a baile to the falschood, and the

Colour de office.

Colore officii, est toutes dites prist in malam partem & signifie vn acte malement fait per le countenance de vn office, & il port vn dissimulant vylage del droit office, lou le office nest q vaile del fauxtie & le

F. ii. chose

The Exposition of

chose est ground sur vice
& lofficé est come vn sha-
dow al ceo. Mes ratio-
ne officii, & vertute offi-
cil sone prises toutes foi-
tes in bonam partem, &
lou, le office est le iust
cause del chose, & le cho-
se est puruant al of-
fice.

thing is groundd bys vice,
and the office is as a sha-
dowe to it. But by reason
of the office, and by vertue
of the office are taken al-
waies in the best part, and
where the office is the iust
cause of the thing and the
thing is pursuing f office.

Collusion.

Collusion.

Collusion, est lou vn a-
ction est port vers vn
auter per son agreement
demelme, si le plaintife
reconer, uel recouerie est
dit per collusion, & en
ascuns cases le collusion
ferra enquire come en vn
Quare impedit. Astele
& tiels semblables, queux
ascun corporation ou
corps politique port en-
uers auter al entent de a-
uer le terre ou aduowson,
dont le brieft est port en
mortmaine. Mes en a-
uowrie ne en ascun acti-
on personnel le collusion
ne terra enquire. Vide
statute W. 2. capit. 32.
que done le quale ius &
le enquire in uel case.

Collusion, is where an
action is brought a-
gainst another, by his own
agreement if the plaintife
reconer, then such reconery
is called by Collusion, and
in some cases the collusion
shall bee inquired of as in
Quare impedit, and Astele
and such like, which any
corporation or bodie poli-
tique bringeth against an-
other to the intent to haue
the lande or aduowson,
wherof the writ is brought
into Mortmaine. But in
auowrie nor in any action
personal, the collusion shall
not be enquired. See the
Statute W. 2. chap. 32.
which giueth the quale ius
and inquirie in such ca-
ses.

Com-

Common ley.

Common lawe, is for the most parte taken thre wayes, first, for the lawes of this Realme simplie, without anie other, as customarie lawe, ciuill law, spiritual lawe, or whatsoeuer else lawe ioynd vnto it, as when it is disputed in our lawes of Englanse, what ought of right to be determined by the common lawe, and what by the spirituall Lawe, or Admirals Court, or such like.

Secondarily it is taken for the kings Courtes, as the Kings Bench or common place, on lie to the we a difference between them and the base Courtes, as customarie courtes, Court Barons, Countie courtes, pipowders and such like, as when a plee of lande is remooued out of ancient demesne, because the land is franke fee and pledable at the Common Lawe, that is to saye, at the Kinges Courte, and not in Ancient demesne, or in anie other base Court.

Thirddly, and most vsu-

Common ley.

Common ley, est pur le plus part prise 3. voyes. Primerunt, pur les leyes de cest Realm simplie, sans aic aut ley, come customarie ley, ciuill ley, spiritual ley, ou quecunq; aut ley ioine a ceo, come quant il est dispute e nostre leyes Danglestre, quid doet de droit est, determine per le common ley & quid per spiritual ley, ou le Court del Admiral ou siels semblables.

Secundiment il est prise pur les Courtes le Roy, come la banke le roy ou common place, tantseint pur monstre vn difference pereter eux & les base courtes, come customarie courtes, courts Barons, Countie courtes, Pipowders & siels semblables: come qnt vn ple de terre est remoue hors de anciēt demesn pur ceo q le tre e frank fee & pledable al cōmon ley, cest adire e la Court le R. & nemy e anciēt demesn ou en aic auter base court.

Tierceint & plus vlu-

F.iii.

alment

The exposition of

aliment per le comon ley
est entendue tiels leys q
fueront generalmēt prise
& tenus pur ley deuant q
ascun estatut fuit fait pur
alter ceo, cōe pur exāple,
Tenant pur vie, ne pur ans
ne fueront destre punish
pur felonie wast al com-
mon ley tanq; lestatut de
Gloucester ca. 5. fuit fait,
le quel done vn action de
wast enuers eux. Mes
tenant per le curtesie, &
tenant in dower, fueront
punishable pur wast al
common ley, cest adire,
per le vsuall & common
receiued leys de Realme
deuaunt le dit statute de
Gloucester fuit fait.

alip by the common lawe
is understood, such lawes
as were generally taken
and holden for lawe be-
fore any Statute was
made to alter the same, as
for example, Tenant for
life nor for yeeres, were not
to bee punished for doing
wast at the common law,
til the Statute of Glouce-
ster, ca. 5. was made which
doth giue an actiō of wast
against them. But tenant
by the curtesie and tenant
in dower were punisha-
ble for wast at the common
law, that is to saye, by the
vsuall and common recei-
ued lawes of the Realme
before the saide Statute of
Glor. was made.

113 Common.

Common, est le droit
que home ad de mit-
ter les beasts a pasture, ou
de vsler & occupier le t're
q nest son propre soile.

Et nota que sont di-
uers commons cest adire
common en grosse, com-
mon appendant, com-
mon appartenant, & cō-
mon per cause de visi-
page,

Common.

Common, is the right,
that a man hath to put
his beasts to pasture, or to
vse & occupy the grounde,
that is not his owne.

And note that there be
diuers commons, that is
to saye, common in grosse,
common appendant, com-
mon appartenant, and co-
mon because of neighbo-
hood.

Common

Common in grosse is where I by my deede graunt to another that hee shall haue common in my lande.

Common appendant is where a man is seised of certaine lande, to the which he hath common in another's ground, and all they that shall bee seised of the land haue & saide common onely for those beasts which compass that lande to which it is appendant, excepting geese, goates & hogges.

And alwayes this common is by prescription and of common right, and it is appendant to erable lande onely, and not to any other lande of house.

Common appurtenant is in the same manner, as common appendant. But it is with all manner of beasts, as well hogges, goates and such like as horses, kine, oxen, sheepe, and such as compass the ground. And this common may bee made at this day, and may bee seuered from the land to which it is

Common en grosse est lou ieo per mon fait graunt a vn autre, que il auer cōmon in ma terre.

Common appendant est lou home est seisi de certain terre, a que il ad cōmon in autre soil, & tous ceux que seront seisi del dit terre aueront le dit common solement pur ceux bestes que compass la terre a que il est appendant, except oysons, chiuers, & porceaux.

Et tous iours, cest cōmon est per prescription, & de common droit, & il est appendant al terre erable solement, & nemy al autre terre ou maison.

Common appurtenant est en mesme le manner come common appendant. Mes est ouel- que toutes manners des auers cibien porceaux, chiuers & tiel semblable come chiuals, vacches, boefes, berbits, & tiels que compaster de terre. Et tiel cōmon poit este fait a cest iour, & poit este seuer del terre a que il est

The Exposition of

appurtenant, mes ilsunt
ne poit common appen-
dant.

Common pur cause de
visinage est lou les te-
nants de deux Seignours
que sont seises de deux
villes, dont lun gist pres
l'auter, & chescun de eux
ont vie de temps dont
memorie ne court de au-
ter comon en auter ville,
ouesque toutes bestes
communables.

Mes lun ne poit mitter
ses auers en le terre lau-
ter, car la ceux de l'auter
ville poient eux distreine
Damage fasant, ou auer
action de Trespas, mes
ils eux mittera en leur
camps demesne, & s'ils
estray en les campos del
auter ville, ils la doyent
eux sufferer. Et les inha-
bitants de lun ville ne do-
yent mitter eus tant
come il voile, mes ay-
ant regard al franktene-
ment del inhabitants de
l'auter ville, car auter-
ment il he soit bon vici-
nitie, sur q tout cest mat-
ter depend.

Et si le seignour a une ville

appurtenant, but so can
not Common appen-
dant.

Common because of
neighborhood is where
tenants of two Lords which
be seised of two townes,
where one lyeth nigh ano-
ther, & eury of them hane
vld from the time where-
of no munde runneth, so
hane common in the other
towne with all manner of
beastes commixable.

But the one may not
put his cattel in the others
ground, for so they of the
other towne may distraine
them Damage fasant, or
may haue an actio of tres-
pas, but they may not put
thē into their owne fields,
and if so they straye into
the fields of the other
towne, they there ought to
suffer them, And the inha-
bitants of the one towne
ought not to put in as ma-
ny beastes as they wil, but
having regard to the inha-
bitants of the other town,
for otherwise it were no
good neighborhood, upon
which all this matter doth
depend.

Et si le seignour a une ville

114 Condition.

Condition, is a restraint or bridle annexed and ioyned to a thing, so that by the not performance or not doing thereof the partie to the condition shal receive prejudice and losse, and by the performance and doing of the same commoditie and advantage.

And all conditions are either Conditions actual and expresse, which bee called conditions in deed, or els they bee conditions implied or couert, and not expresse, which are called Conditions in Law.

Also all conditions are either Conditions precedent and going before the estate, and are executed, or els subsequent and following after the estate & executorie.

The Condition precedent both get and gain the the thing or estate made upon condition by the performance of the same.

The Condition subsequent both keepe & continue the thing or estate

Condition.

Condition, est vn restraint ou bridle annex & ioyné al chose, issint que per le non perfourmance & fésans de ceo le partie al condition recouera prejudice & perte, & per le performance & faire de ceo commodité & advantage.

Et toutes conditions sont ou conditions actual & expresse, queux sont appel conditions en fait, Ou ils sont conditions implicite ou tacite, & nient expresse, les qux sont appellees conditions en ley.

Auxi tous conditions sont ou conditions precedent & vaient deuant lestate, & sont executed, Ou subsequent, & veniens apres lestate & executorie.

Le condition precedent, fait gaine & obtaine le chose ou estate fait sur condition per le perfourmance de mesme.

Le condition subsequent fait garde, & continue le chose ou estate fait

The Exposition of

fait sur condition per le
performence de ycel.

Actual & expresse condition, que est appel vn condition en fait, est vn condition knit & annex per expresse parolx al feoffement, leas ou graunt, ou en escript ou sans escript. Sicome ieo enfeffe vn home en terres reseruant rent, destre paied a tiel feast, sur condition, que si le feoffee faile de payment al iour, que donques il serra loial pur moy de reenter.

Condition implicate ou tacite & nient expresse, q est appel conditiō en ley, est quant home graunt al autre le office destre gardein dun park, seneschal, beadle, baylife, ou tiels sembl' pur term de vie & nient obstant q la ne soit ascun condition expresse en le grant, vncore le ley parle couertment de vn condition, quel est, que si le grantee ne execute pas tous points appartenant a son office, p luy mesme ou son sufficient deputy, donques serra loial pur le

made vpon condition by the performence of y same.

Actual and expresse condition, which is called a condition in dede, is a condition knit and annexed by expresse words to the feoffement, lease or grant, eyther in wyting or without wyting. As if I infeoffe a man in landes reseruing rent, to be paid at such a feast, vpon condition, that if the feoffee faile of payment at the day, that then it shalbe lawfull for me to reenter.

Condition implied or couert and not expresse, which is called a condition in lawe, is when a man graunteth to an other the office to be keeper of a Parke, Steward, Beadle, Baylife, or such lyke for terme of lyfe, and though there be no condition at all expresse in the grant, yet the lawe speaketh couertly of a condition, which is, that if the graunter do not execute all pointes appertayning to his office, by himselfe or his sufficient deputy, then it shall be lawfull to the grantor

grauntoꝝ to enter and discharge him of his office.

Condition precedent and going before is, when a lease is made to one for life vpon condition, that if the lessee for life will pay to the lessor xx. li. at such a day, that then hee shall haue fee simple, here the condition preceedes and goeth before the estate in fee simple, and vpon the performance of the condition both get and gaine the fee simple.

Condition subsequent and coming after, is whē one granteth to J. S. his manoz of Dale in fee simple vpon condition, that the grauntee shall paye to him at such a day xx. pound or else that his estate shall cease, here the condition is subsequent and following the estate in fee simple, and vpon the performance thereof both hee & continue the estate.

See more of this in Littleton lib. 3. ca. 5. And Perkins in the last title of Conditions.

grantor de enter & discharge luy de son office.

Condition precedent & vaant deuant est, quant vn lease est fait al vn pur vie sur condition, que si le lessee pur vie voile paie al lessour xx. li. a tiel iour, que donques il auera fee simple, icy le condition preceede & va deuant le estate in fee simple, & sur le performance de le condition, gaine & get fee simple.

Condition subsequent & veniens apres, est quant vn grant à J. S. son mannor de Dale en fee simple sur condition, que le grauntee paiera a luy a tiel iour xx. li. ou autrement que son estate cessera, icy le condition est subsequent & sequens le estate in fee simple, & sur le performance de ycel, gard & continue le estate.

Vide pluis de ceo en Littleton lib. 3. cap. 5. Et Perkins titulo ultimo de Conditions.

The Exposition of

115 Confirmation.

Confirmation est quant vn que aiet droit al ascun terre ou tenements fait vn fait a vn autre que ait ent le possession ou ascun estate ouesque ceux parolx, Ratificasse, approbasse, confirmasse oue intent de enlarger son estate, ou faire son possession perfect & nient defesible per luy que fait le confirmation, ne per ascun autre que poit aueigner a son droit.

Dont vide puis en Littleton Lib. 3. cap. 9. de Confirmations.

116 Confiscate biens.

Confiscate biens sont biens al qux le ley entitle le Roigne quant ils ne sont pas claime par ascun autre. Come si vn home soit endict q'il feloniouslyment emblea les biens de I. S. lou en veritie ils sont les biens demesne, & ils sot mise en court vers luy come vn mayneur, & donques il est demand q'il dir a ceux biens, & il denie eux, ore per cest de-

Confirmation.

Confirmation is when one which hath right to anie landes or tenements maketh a dede to an other which hath therof the possession or some estate with these wordes, Ratificasse, approbasse, confirmasse, with intent to enlarge his estate, or make his possession perfect and not defesible by him that maketh the confirmation, nor by any other that may law his right.

whereof see more in Littleton lib. 3. cap. 9. of Confirmations.

Confiscate goodes.

Confiscate goodes are goodes to which the lawe entitleth the Quene whē they are not claymed by anie other. As if a man be indicted that he feloniously stole the goodes of J. S. where in trueth they are his owne goodes, and they are brought into the Court against him as a mayneur, and then he is demanded what he saith to those goodes, and he denieth them, now by this denying

nyng of them, he shall lose those goods, although that after ward he be acquitted of the felonie, and so in other like cases.

117 Conspiracie.

CONspiracie is a writ and it lyeth where two or more knit themselves together by oth, couenant, or other maner of alliance, that euery one shall helpe other for to indict or appeale any man of felonie, then he which is by such maner indicted or appealed shall haue this writ. But this writ lieth not against the indictors.

See moze herof in Stamford lib. 3. cap. 12.

118 Custome.

CUSTOMES and seruices is a writ, and lieth where I or my auncestors after the limitation of assise, were not seised of the customes or seruices of my tenant before, then I shall haue this writ to recouer those seruices.

Also the tenant may haue this writ against his Lord, but after that the tenant hath declared, the

nier de eux, il pdra ceux biens, coment que apres il soit acquite del felony, & issint en auters semblable cases.

Conspiracie.

CONspiracie est vn brief & gist lou deux ou plusors sentalerent p serement, couenant, ou autre maner alliance, q chescun aydera autre pur indicter ou appeller ascun home de felonie, donques celui que est per tiel maner endict ou appeal auera cest briefe, Mes cest brief ne gist vers lendictors.

Vide pluis de ceo en Stamford lib. 3. cap. 12.

Custome.

CUSTOMED & seruitijs est vn brief, & gist lou ieo ou mes aūcestors depuis le limitation de assise, ne fueront seise des customes ou seruices de mon tenant, mes deuant, dōques ieo aūa cest brief pur recouer ceux seruices.

Auxy le tenant poyt auer cest briefe vers son Seignior, mes apres que le tenant ad count, le Seignior

The Exposition of

Seignior defendera les
motes del count, & re-
pliant dirra, que il ne di-
strayna pas pur les co-
stomes dont le count est,
& donq's il couterà tout
le count de les customes
& seruices, & donques le
tenant que fuit plaintife
deuiendra defendant, &
defendra per bataille ou
graund alsise.

119 Consultation.

Consultation, vide de
ceo apres le title de
Prohibition.

120 Continual claime.

Continual claime est
lou home ad droit de
entre en certain terres
dont vn autre est seisi en
fee simple ou fee taile, &
il ne olast enter pur pa-
uor de mort ou baterie,
mes approcha cy pres cõe
il olast, & fait claime a
ceo deins le an & iour
deuant le mort de cestuy
que ad le terre, si apres
cestuy que ad le terre de-
uie seise, & son heire est
eins per discent, vncore
cestuy que fait tiel claim
poit enter sur leur nient

Lord shall defende the
wordes of the declaration
and replying shall say, that
hee distrayned not for the
customes whereof the de-
claration is, and then he
shall declare all the decla-
ration of the customes and
seruices, and then the te-
nant who was plaintife
shall become defendant, and
shall defende by bataille or
great alsise.

Consultation.

Consultatio, Take ther-
fore after in the title of
Prohibition.

Continual claime.

Continual claim is wher
a man hath right to
enter into certayne landes
whereof an other is seised
in fee simple or fee taile,
and hee dare not enter for
feare of death or beating,
but approacheth as nigh as
he dare, & maketh claime
thereto within the yere
and day befoze the death of
him that hath the landes,
if after hee which hath the
lande die seised, & his heire
is in by discent, yet he that
maketh such claime may
enter vpon the heire not-
withstanding

Withstanding such descent, for that that he hath made such continuall claime: But it lehouerth that such claim alwayes be made within the yeere & the day before the death of the tenant, for if such a tenant doe not die seysed within a yeere and a day after such claime made, and yet he that hath right dare not enter, then it behouerth him that hath such right to make an other claime within the yeere & day after the first claime, & after such second claime to make a thurd claime within the yeere and day, if hee will be sure to saue his entre. But if the disseisor die seysed within the yeere and day after the disseisin, and no claime made, then the entre of the disseisee is takē away, for the yeere and day shall not be taken from the time of the title of the entre to him growe, but only fro the time of the last claime by him made as is aforesaid. See moze hereof in Littleton lib. 3. cap. 7.

Counterplee.

Counterplee is where one byingeth an action, & the

contristeant tiel descent, pur ceo que il ad fait tiel continual claime: Mes il couient que cest claime tous foits soit fait deins lan & iour deuaunt le mort le tenant, car si tiel tenant ne morust seisie deins lan & iour aps tiel claime fait, & vncore il q ad droit nosast enter, donques couient al cestuy q ad tiel droit de faire autre claime deins lan & iour aps le primer claim, & apres tiel secōd claime de faire le tierce claime deins lan & iour, si il voit este sur de sauer son entre. Mes si le disseisor deuie seisi deins lan & iour apres le disseisin, & nul claime fait, donques lentre le disseisee est tolle, car lan & iour ne serra prise de le temps del title dentre a luy accrue, mes solemēt pur le temps del darrein claime per luy fait, come est auantdit. Vide plus de ceo en Littleton lib. 3. cap. 7.

Counterplee.

Counterplee est lou vn port vn action, & le tenant

The Exposition of

tenant en son respons & plee vouch ou appel pur aucun home pur garrant son title, ou praver ayde de auter, que ad meliour estate, come de cestuy en la reuersion, ou si vn estrange al action vient & pravera destte resceu de sauuer son estate, si le demand' reply a ceo, & monstre le cause que il ne doyt de tiel home eyde auer, ou que tiel home ne doit este resceu, cest plee est appel vn counterplee al voucher, ayde ou rescit come le case est, mes si le voucher soit allow, & quant le vouche vient eins & demand quel chose le tenant ad de luy voucher, & le tenant monstre son cause, & le vouchee plede aucun matter de auoyer le garrantie, ceo est appel counterplee del rescit.

tenāt in his answer & ple boucheth or calleth for any man to warrāt his title, or praieth in aid of an other, which hath better estate then he, as of him that is in the reuerſion, or if one that is a stranger to the action, come and pray to be receiued, to saue his estate, if the demandant replie thereto, & shew cause that he ought not such a one to vouch, or that he ought not of such a one to haue aid, or that such a one ought not to be receiued, this ple is called a counterplee to the voucher, aid, or rescit, as the case is, but if the voucher be allowed, and when vouche cometh in, and demādeſh what cause the tenant hath, and the tenant sheweth his cause & the vouche plede to auoid thing to auoid the warrātie, that is called a counterplee to the warrātie.

121 Contract.

Contract, est vn bargain, ou couenant penter ij. parties ou vn chose est done pur auter que est appel, Quid pro

Contract.

Contract, is a bargain, or couenant betweene two parties, where one thing is giuen for another which is called, Quid pro quo,

quo, as if I sell my house for money, or if I conenant to make, ou a lease of my mannoz of Dale in consideration of twentie pound that you shal giue me, these are good contrates, because there is one thing for an other, but if a man make promise to me, that I shall haue twentie shillings, and that he will bee debt or to mee thereof, and after I aske the twentie shillings, and hee will not deliuer it, yet I shall neuer haue any action to recouer this twentie shillings, for that that this promise was no contract but a bare promise. *Und ex nudo pacto non oritur actio*, but if any thing were giuen for the twentie shillings though it were not but to the value of a penny, then it had bene a good contract.

quo, cōe si ieo vende mon chiual pur argent, ou si ieo couenāt de faire lease a vous de mon mannor de Dale, en consideration de xx. li. que vous dones a moy, ceux sont bone contrats, pur ceo que il ad vn chose pur auter, Mes si vn home fait promise a moy, que ieo auerai xx. s. & que il voile este detour a moy de ceo, & puy ieo demaund xx. s. & il ne voyle a moy deliuer, vncore ieo nauera iāmes action pur recouer cest xx.s. pur ceo que cest promise ne fuit contract, mes nudus pactus, Et ex nudo pacto nō oritur actio, mes si ascū chose fuit done pur le xx.s. mesque il ne fuit forsqu al value vn denier, donques il fuit bone contracte.

123 Contra formam collationis.

CONtra formam collationis, is a writte, and it lyeth where a man had giuen landes in perpetuall almesse to any of the late houses of Religion, as to

Contra formam collationis.

CONtra formam collationis, est vn briefe, & gist lou home done terres en perpetual almoigne a ascun melon de Religion, come a
G.j. vñ

The Exposition of

vn Abbe & de content ou
a auter souveraigne, ou al
garden ou imiter de al-
cū Hospital, & son couēt
de trouer certaine pouer
homēs, & de faire aut di-
uine seruice, fils alien les
terres dōques le donour
ou ses heires, aueront le
dit brieve pōr. recouer le
terre, mes cest brieve sera
touts foits port vers l'Ab-
bote ou son succes-
sor, & remy vers alienee,
coment que il soit tenāt:
mes en tous auters acti-
ons l'ou home demande
francktenement, le brieve
serra port vers le tenaunt
del terre. Vide le statute
W. 2. cap. 41.

124 Contra formam
feoffamenti.

Contra formam feoffa-
menti, est vn brieve, &
gift lou vn home deuant
le statute de Quia emp-
tores terrarum, quel fuit
fait Anno 18. Edw. in-
feoffe auter per fait de
faire certaine seruice si le
feoffour ou ses heires di-
straine luy de faire auter
seruice que est compris

an Abbot, and to the co-
uent or other Soueraigne,
or to the warren or Ma-
ster of any Hospitall, and
his couent to find certaine
poore men, and to doe o-
ther diuine seruice, if they
alien the landes, then the
donour or his heires, shall
haue the laide writ for to
reconer the lande, but this
writte shall bee alwaie
brought against the Ab-
bot or his succellour, and
not against the alien, al-
though that he be tenaunt,
but in all other actions
where a man demandeth
frechold, the writ shall be
brought against the tenant
of the land. See the Sta-
tute W. 2. cap. 41.

Contra formam feoffa-
menti.

Contra formam feoffame-
ti, is a writte, and it ly-
eth where a man befoze
the Statute of, Quia emp-
tores terrarum, which was
made Anno 18. Edw. in-
feoffeth an other by deede
to do certaine seruice if the
feoffour or his heires di-
straine him to doe other
seruice then is compris-
ed in

in the deede, then the te-
naunt shall haue this writ,
commaunding him that he
distraine not him to doe a-
ther seruice, that is not
comprised within the deed,
but this writ lieth not for
the plaintife which clay-
meth by purchasé from the
first feffee: but for such
plaintife as claymeth as
heire to the first feffee.

125 Contributione fa-
cienda.

CONtributione faciendz,
is a writ, and it lyeth
where there are diuerse
Parceners, and hee which
hath the part of the eldest
dorth make all the suite to
the Lord, the other ought
to make contribution to
him, and if they will not, he
shall haue against them the
saide writ.

126 Conuifance.

CONuifance of Plee, is a
Priniledge that a Ci-
tie or Towne hath of the
Kings graunt to hold plee
of all contractes, and of
landes within the pre-
cincte of the Franches,
and that when any man is

en le fait, donques le te-
naunt auera cest briefe,
luy commaunding que il
ne distrayne luy de faire
auter seruice, que n'est
comprise deins le fayt,
mes cest bi ne gist pur le
plaintife que clayme par
purchasé del primer feff-
fee, mes par tiel plaintife
que claime come heire al
primer feffee.

Contributione fa-
cienda.

CONtributione facien-
da, est vn briefe, & gist
lou sont diuers Parceners
& deluy que ad le part
del eygn, fait tout le luit
al Seignieur, les auters
doient faire contribution
a luy, & s'ils ne voillont
il auer vers eux le dit
briefe.

Conuifance.

CONuifance de plee, est
vn priniledge que vn
cite ou ville ad del grant
le Roy de tener plee des
touts contractes, & des
terres deins le precinct
del Franchises: & que
quant aucun home est
G.ij. imple-

The Exposition of

impleaded, pur aucun tiel chose en le court de Roy al Westminster, les Maïors ou Baylifes de tiels Franchises, ou leur Attorneys poient demander Conusance del plee, scilicet, que le plee & le matter serra pled & determine deuant eux. Mes si le court al Westminster soit loyallyment seise del plee deuant que Conusance soit demande, d'oques ils ne aueront Conusance pur cest suite, pur ceo q' ils ont negligentment surcease leur tēps de demander ceo, mes cest ne serra barre al eux dauer Conusance en autre action, car ils poient demander Conusance en vn action, & omitte ceo en autre action a leur pleasure.

Et nota que Conusance ne gist en prescription, mes ils couient monstre letters patents le Roy pur ceo.

127 Corodie.

Corodie est vn allowance de meate, pane, boier, argent, vestments, lodg, & uels choses ne-

impleaded for ante such thing in the Court of the King at Westminster, the Maïors and Bayliffs of such franchises or their Attorneys may aske Conusance of the plee, that is to say, that the plee and the matter shall bee pleaded & determined before them. But if the Court at Westminster be lawfully seised of the plee, before Conusance be demanded, then they shall not haue Conusance for that suite, because they haue negligently surceased their time of demande thereof, but this shall bee no barre to them to haue Conusance in an other action, for they may demand Conusance in one action, and omit it in an other action at their pleasure.

And note that Conusance lyeth not in prescription, but it behooueth to shew the Kings letters patents for it.

Corodie.

Corodie is an allowance of meate, bread, drinke, money, clothing, lodging, and such like thinges necessarye

cessarie for sustenance, It is sometimes certain where the certainty of things is set downe, sometimes vncertaine where the certainty of things is not set downe which he shal haue, And some of them began by grant made by one man to another, and it may bee for life, peres, in taile, or in fee, and some Corodies are of common right as euerie founder of Abbies, Priories, nunries & other houses of religion, had authoritie to assigne such in the same house, whē they were standing for father, brother, Cosin or other man that he would appoint, should take it, if it were a house of Monkes, and if he were founder of a house of nuns or women, then for his Mother, Sister, cosin or other woman that he would direct thether, and alwaies this was provided for, that he that had Corodie in a house of Monkes might not sende a woman to take it. For where Corodie was due in a Nunrie, there it was not lawfull to appoint a man to re-

cessarie pur sustenance: ceo ascun foirs est certain ou le certainty des choses est limite, ascun foirs vncertaine, lou nest limit le certainie que il aū. Et ascun de eux commence par grant fait par ascun hōe al auter, & peut estre pur vie, ans, en taile ou fee: & ascun Corodies sont de cōmon droit, sicome chescū fōunder de Abbies, Priories, Nunries, & auters maisons de religiō papistick, auoient aūthoritie d'assigner tiel in mesme les maisons (quant ils fueront) pur son pere, frere, cosin ou auter home q̄ il voit, prendroit ceo; sil fuit vn meason de moignes, & sil soit fōund' del meason de Nuns ou muliers, donque ceo pur sa mere, soer, cosin ou aūf mulier q̄ il voit direct al ceo, & tous iours cē puiſo fuit ew, que il q̄ ad Corody en vn meson de moignes ne doit mitter vn femme de prendre ceo. Ne ou Corodie fuit due en vn Nūrie, la il ne fuit loiall de appointer vn hōe de recevoir
G.iiij. ceuer

ceiue ceo, car en ambideux cases tuel presentatiou fuit deste reiect. Et cest Corody fuit due si bien a un commo person que fuit founder, sicome ou le Roy m fuit foudier, mes ou le meason fuit tenuis en frankalmoigne, la le tenure m fuit vn discharge de corody enconé tous hōes siege q il fuit aps charge voluntariū, come ou le Roy voit mirer son brief al Abbe pur vn Corody pur vn tuel le que ils admit, la le meason doit este charge per ceo a tous iours, si le roy soit foudr ba nemy: vide Breue de Corod. hab. en Fitz. Natura br. fo. 230.

Coroner

Coroner est vn aunc office de trust, & de grād auuthority, ordain dēe vn principal conseruator, ou gardein de la peas, a port record ds Ples del crown & de son view demesne & de diuers auter choses mult en number &c. & pur ceo en temps le Roy Edward le primer cest

ceiue the same, for in both cases such presentation was to bee reiect. And this corodie was due as well to a common person that was foudier, as where the King himselfe was founder, but where the house was holden in frankalmoigne, there the tenure it selfe was a discharge of corodie against all men, except it were afterwards charged voluntarily, as when the king would send his writ to the abbot for a corodie, for such a one who they admit, there the house should be thereby charged for ever; whether the king were founder or not, See the writ of Corod. hab. in Fitz. Natura br. fol. 230.

Crowner.

Crowner, is an ancient officer of trust and of great authority ordained to be a principal conseruator, or keeper of the peace to beare record of the Ples of the Crown and of his owne sight and of diuers other things made in number &c. and therefore in King Edward the first daies this

Statute following was made forasmuch as mean men and undiscrète now of late are commonly chosen to the office of the Coroner; where it is required that wise men & will- able should occupie such offices, It is provided that through all shires sufficient men should be chosen to be Coroners, out of the most wise and discreetest Knights which best knowe should and would attend this Office, and which faithfully made and represented the Pleas of the Crowne.

And although the Letter of this Statute be not precisely obserued, yet at the least the intent should be followed as nigh as mought be, that for the default of Knights, Gentlemen furnished with such qualities as the Statute setteth downe (of which sort there be many) might be chosen with this addition that they be vertuous & good known Christians. See hercof in the writ de Coronatore eligendo in Fitz. Natura breuiū fol. 163.

estatur sequens fuit fait par ceo que petit gens meins sages soient élus ore de nouel continnement al office del Coroner, ou mistier serroit q probes homes; loyals & sages se entremellant de cel office. Parquient, q per toutes les Counties loyent esleus, sufficient homes Coroners, de plus loials & plus sages chivalers, que mieux sachent puillane & voient a cel office entendre, & q loy- alment attachet & representet le ples del Corone.

Et mient obstant le lett de cest estatute ne soit precisement obserue vncore al meins le entent doit estre pursue, cy pres come poit, que par le default des chivalers, genteshomes furnished oue tels qualites si come le Statut parle (de que ils y ad diuers) poiet estre esleu, ou cest addition que ils soyent vertuous & bone conous Christians: vide de ceo en brieve de Coronatore eligendo in Fitz. Natura breuium fol. 163.

G.iii.

Cer-

The Exposition of

129 Corporation.

CORPORATION, est vn cho-
le permanent que poit
auer succession : Et est
vn'assembly & ioyning en-
semble de diuers en vn
fellowship, fraternite &
ment, de que vn est le
teste & principall, let au-
ters sont le corps, & cē
reste & corps joint en-
semble sont le corpora-
tion. Et de corporations
ascuns sont appels spiri-
tuals ascuns temporals,
& de ceux que sont spiri-
tuals ascuns fueront cor-
porations de mort per-
sons en ley, & ascuns au-
terment, & ascuns sont
per auctoritry del Roy
soleint, & ascuns ont este
dū mixte auctority. Et de
ceux queux sont tēporall
ascuns sont p auctoritry
del roigne auxy, & ascuns
p le cōon ley del Realm.

Corporation spiritual
& de mort persons en ley
est lou le corporation
consist dun Abbe & co-
uent, & ceux ont lour cō-
mencement del Roy, &
le home de Rome, quant
il y ad a faire cy.

Corporation.

CORPORATION, is a per-
manent thing that may
haue succession. And it is
an assembly and ioyning
together of manie into one
fellowship, by otherhoode
and minde, whereof one
is head and chiefe, the rest
are the bodie, and this
heade and bodie knitte to-
gether make the Corpo-
ration. And of Corpo-
rations some are called
spirituall and some Tem-
porall, and of those that are
Spiritual, some are cor-
porations of dead persons
in Lawe, and some other-
wise, and some are by the
auctoritie of the King one-
lie, and some haue beyn of a
mixte auctoritie. And of
those that are tēporall some
are by the auctority of the
King also, And some by
the Common Lawe of the
Realm.

Corporation spiritual
and of dead persons in the
Lawe, is where the corpo-
ration consisteth of an Ab-
bot and couent, and these
had beginning of the king,
and the men of Rome whē
he had to doe here.

Co-

Corporation spirituall, and of able persons in law is where the Corporation consisteth of a Dean, Chapter, Master of a Colledge or Hospitall, and this corporation had beginning of the king onely.

Corporation tēporal by the king is where there is a Maior & Comminaltie.

Corporation temporall by authoritie of the Common Law is the assemblée in Parliament, which consisteth of the Quene the head of the corporation, and of the Lords spirituall and temporall, & the commons of the realme, the bodie of the corporation.

130 Bodies politike.

Bodies politike, are Bishopps, Abbets, Priors, Deanes, Parsons of churches and such like which haue succession in one person onely.

131 Corruption of blood.

Corruption of blood, is when anie is attaynted of Felonie or Treason. then his blood is said to be

Corporation spirituall & dable persons ē ley est lou le corporation consist dun Deane & Chapter, Master del Colledge ou Hospitall, & cest corporation ad commencement del Roy solement.

Corporation temporal per le R. est lou est vn Maior & Comminalty.

Corporation temporal per aucthority del common ley est le assemblée en parliament, le quel consist del Roign le teste del corporation & Sñrs spirituall & tēporals, & de les commons del Realme le corps del corporation.

Corps politike.

Corps politike, sont Euesques, Abbeis, Priors, Deans, Parsons dun esglise, & tiels seblables, queux ont succession en vn person solement.

Corruption de sangue.

Corruption de sangue, est qñc al' est attaint de felony ou treason, dō q's son sangue est dit destecor-

The Exposition of

corrupt, per reason de q^l ses enfans ne aucun de s^l s^lgue ne poiet estre heirs a luy ne aucun auter aunccestor, pur que ils doient claime per luy. Et sil fuit noble, ou geatle, home deuant, il & tous les enfans per ceo sont saits ignoble & yngeatle, ayant regard al nobility ou gentrie ils claim per leur pere, que ne poit estre fait luyz arre: sans authorite de Parliament.

132. Cosinage.

Cosinage, est vn briefe, & gist lou mon befael mon tresail; ou auter cosin deuie seisie in fee simple, & vn estrange abate, cest adire, enter en les terres, donques ieo auera vers luy cest briefe, ou deuers son heire ou son alienee, ou deuers q^l cunque que auaigne apres a les dits terres. Mes si mon aiel deuie seisi, & vn estrange abate, donqs ieo aia vn briefe de Aiel. Mes si mo pere, mere, frere, soer, yncl ou ault deuie

corrupt, by meanes wher- of his children nor anie of his blood canot be heirs to him or to any other aunc- stor, for which they ought to claim by him. And if he were a noble or gentleman before, he & all his children therby are made vnnoble & yngentic, hauing regard to the nobility or gentrie they claim by their father, which cannot bee made whole againe without authoritie of Parliament.

Cosinage.

Cosinage, is a writte, and it lyeth wheremy great Grandfather, my Grand- fathers Graundfather, or other cosin dieth seised in fee simple, and a stranger abateth, that is to say, en- treth into the lands, then I shall haue against him this writte, or against his heire, or his alienee, or against whomsoever that cometh after to the saide landes. But if my Grand- father die seised and a strā- ger abateth, then I shall haue a writte of Aiel, But if my father, mother, bro- ther, sister, vncl or ault, die

seised, & a stranger abateth, then I shal haue an Aulse of Mortdauncester.

seisie, & vn estrage abata; donq; ico auera vn Aulse de Mortdauncester.

133. Couenant.

Couenant, is an agreement made by deed in writing & sealed betwene two persons, where euer of them is bounden to the other to performe certayne covenants for his parte; The one of them holdeth not his couenat but breaketh it, then hee which therof sealeth himself grieved, shal haue thereupon a writ of Couenant.

And note well that no writ of Couenant shalbee maintainable without espedaltie, but in the Citie of London, or in some other such place privileged by custome and vse.

Couenant.

Couenant, est vn agreement fait per fait en escript & en seale perenter deux persons, lou chescun de eux est tenu al autre de performer certain couenants par son part; & lun de eux ne tient pas son couenant mes enfreint ceo, donq; celui q se sent greuee, auera vn briefe de Couenant.

Et nota bien que nul br de Couenantorra maintainable sans espedaltie; sinon en la Citie de Londres, ou en ascun autre lieu priuiledge per custome & vse.

134. Couerture.

Couerture, is when a man and a woman are married together, now whatsoever is done concerning the wife in the time of the continuance of this marriage betweene them is said to be done during the couerture, and the wife is

Couerture.

Couerture, est quant vn home & vn feme sont espouse ensemble, ore ascun chose que est fait concernant la feme en le temps de le continuance de cest mariage perenter eux est dit estre fait durant le couerture, & le fem est appel

The Exposition of

appel vn feme couert.

called a woman covert.

135 Couin.

Couin, est vn secret assent determine en les cures de deux ou plusors al p*re*iudice dun aut: Come si tenat pur t*em*p de vie, ou tenant en le taile secretmet conspire oue vn aut, q*ui* laut recouera vers le t*em*p pur vie le terre q*ui* il tient &c. en p*re*iudice de celuy en le reuersion.

Couin, is a secret assent determined in the harts of two or moze, to the p*re*iudice of any other: As if a tenant for terme of life, or tenant in taile will secretly conspire with another, that the other shal recover against the tenant for life the lande which hee holdeth &c. in p*re*iudice of him in the reuersion.

136 Cui in vita.

Cui in vita est vn briefe & g*ra*nt lou home est seisi de terres en fee simple, ou fee taile, ou pur terme de vie en droit sa feme, & alien meisme le terre & deuie, donques el auera le dit briefe pur recouerer la terre.

Et nota bien que en c*et* briefe son t*it*le doit este monstre si soit de purchase la feme, ou del heritage la feme. Mes si le baron alien le droit sa feme, & le baron & la feme deuont, le heire la feme auera vn briefe de sur Cui in vita.

Cui in vita.

Cui in vita, is a writ, and it lyeth where a man is seised of landes in fee simple, or fee taile, or for terme of life in the right of his wife, & alieneth the same land and dieth, then shee shal haue the saide writ for to recover the land.

And note well that in this writ her t*it*le must be sheweth whether it be of purchase of the woman, or of the heritage of h*er* woman. But if the husband alien the right of his wife, & the husband and the wife dye, the wiues heire may haue a writ of sur Cui in vita.

Cui

137 Cui ante diuortium.

CVi ante diuortium is a writ, & it lyeth in like manner, when such alienation is made by the husband of the wifes lande & after deuorice is had betwene them, then the woman shal haue this writ, & the wyte shall sape, to whō shee before the deuorice might not gainsay.

Cui ante diuortium.

CVi ante diuortiū, est vn brieve, & gift en semble maner, quant tiel alienation est fait per le baron del terre la feme, & puis deuorce est ew enter eux, donques la femme auera cest brieve, & le brieve dira, cui ipsa ante diuortium contradicere nō potuit.

138 Curtesie of England.

Curtesie of Englande, is where a man taketh a wife seised in fee simple or fee taile generall, or seised as heire of the taile especial, and hath issue by the wife male or female, bee the issue dead or in life, if the wife dye, the husbande shall hold the land during his life by the law of England: And it is called tenāt by the Curtesie of England, because that this is not vsed in no other realm but onely in England.

Curtesie Dengl-
terre.

Curtesie Dengleterre, est lou home prent feme seisie in fee simple ou fee taile general, ou seisie cōe heire de la taile especial, & ad issue per la feme male ou female, soit le issue mort ou en vie, si la feme deuie, le baron tyendra la terre deuant sa vie per la ley de Angleterre: Et est appel tenant per le Curtesie Dengl-terre, pur ceo q̄ uest vlc en nul aut Realm fors q̄, rāt-soleint en Engleterre.

D.

139 Damage feasant.

Damage feasant, is when a straungers beastes

D.

Damage feasant.

Damage feasant est quāt les beaſts de vn eſtrāg' ſont

The exposition of

font in auters terres sans
auctorite loial ou licēce
del tenant de la terre, &
la māngeront, tread', ou
auterint spoylet les blees,
grasse, bones, ou tiels sem-
blables: En quel case le t'
q' ils issint damage; poit
pur cēo preñder, distrain,
& impound eux, sibien en
le nuict come en le iour.
Mes en auters cases, come
pur rent & seruices & ti-
els sembles nul poit dis-
trainer eu le nuict tēps.

140 Danegelde.

DAngelde, hoc est qui-
etum esse de quadā cō-
suetudine q' eucurrit ali-
quō tēpore, quā quidē Da-
ni leuauerūt in Anglia.

- Ceo commence prīsther
en tēps le roy Etheldred,
q' l'esteant en graund di-
stresse pēr le continual in-
uasion de les Danes, pur
purchaser paix, fuit com-
pel de charger son pais &
people oue importable
paiments, car il primer-
mēt dona eux al sink se-
ueral paymēt 113000.li.
& puis graunt al eux

are in another mans
ground without lawfull
auctoritie or licence of the
tenant of the ground, and
there do feede, tread, and
otherwise spoyle & cozne;
grasse, woods, or such like:
In which case the tenant
whom they hurt may ther-
fore take, distraine, and
impound them, as well in
the night as in the day.
But in other cases, as for
rent and seruices and such
like, none may distraine in
the night season.

Danegelde.

DAngelde, that is to be
quite of a certaine cu-
stom which hath runn som
times, which the Danes
did leuie in England.

This began first in the
time of King Etheldred,
who being fore distressed
by the continual inuasion
of the Danes, to purchase
peace, was compelled to
charge his countrey & peo-
ple with importable pay-
ments, for hec first gaue
them at sine seuerall pay-
ments 113000.li. and af-
terwards graunted them

48000 pounds yearly.

48000.li.annualment.

141 Darre presentment.

Darrein presentment.

DArrein presentmēt, Look
therefoze after in the it-
tle Quare impedit.

DArrein presentmēt. Vi-
de de deo apres titulo
Quare impedit.

142 Deane & Chapter.

Deane & Chapter.

DEane & Chapter, is a
bodie corporate spiri-
tuall consisting of manye
able persons in lawe, as
namely the Deane (who
is chiefe) and his Pre-
bendes, and they together
make the corporation.
And as this corporation
may ioyntly purchase lāds
and tenements to the vse
of their church and succes-
sors. So likewise every of
them severally may pur-
chase to the vse of himselfe
and his heires.

DEane & Chapter, est vn
corps corporate spiri-
tual consistant de plusors
able persons en ley, come
nosinement de Deane
(que est principal) & ses
Prebends, & ils emsem-
ble font le corporation.
Et sicome cest corpora-
tion poyent ioyntment
purchase terres & tene-
ments al vse de leur es-
glis & successors. Il sint
auxy chescun de eux se-
ueralmēt poit purchase al
vse de luy & ses heires.

143 Decies tantum.

Decies tantum.

DEcies tantum, is a writ,
and lyeth wwhere a iu-
rour in any inquest, ta-
keth money of the one
parte or other to give his
verdict, then he shall pay
tenne times as much as
he hath receiued, & every
one that will sue may haue
an action, and shall haue

DEcies tantum, est vn
briefe, & gist lou vr
iurour en alcun enquest,
prist argēt dun partie ou
dauter pur done son ver-
dict, donq; il payera x.
fois a tāt q'il ad receiue.
Et chescun que voyl fuer
auera action, & auera
lun

The exposition of

lun moitie, & le roy l'auter moitie. Mes si le Roy en tiel case release per son pardon a tiel iurour, vncore ceo ne serra barre vers cestuy que port l'action, mes que il recouera l'auter moitie, si son action soit commence deuant le pardon le Roy, mes si le pardon soit deuant aucun action, il est barre encounter toutes gens. Et mesme le ley est de tous actions populaires lou vn part est al roy, & l'auter al partie que suera. Auxi les embracers que procurent tiels inquestes seront puny en mesme le manner & ils aueront prisonment de vn an; Mes nul iustice enquirera de ceo de office, mes solement al suite del partie.

the one halfe, and the king the other halfe. But if the king in such case release by his pardon to such a iurour, yet that shall bee no barre against him that bringeth the action, but that he shall recouer the other halfe, if his action bee commenced befoze the pardon of the king, but if the pardone bee befoze any action, it is a barre against all men. And the same law is of all other actions popular, where one partie is to the king, & the other to the partie that sueth. Also the embracers which procure such inquestes shalbe punished in the same manner. And they shal haue the imprisonment of a yere, but no iustice shall inquire thereof of office, but only at the suite of the partie.

144 Declaration.

Declaration.

DEclaration, est vn monstrance en escript de le grieve & complaint de le commaundaunt ou plaintife enuers le tenant ou defendaunt, en que il

DEclaration, is a shewing in writing of the grieve and complaint of the demaundant or plaintife against the tenant or defendaunt, wherein he suppos

supposeth to haue recei-
ued wrong, & this declara-
tion ought to be plaine and
certaine, both because it
impeacheth the defendant
of tenant and also compell-
eth him to make answer
thereto. But note that such
declaration made by the
demaundant against the
tenant in an action Re-
al, is properly called a
Count.

Note that \S Count of
declaration ought to con-
taine demonstration, decla-
ration, & conclusion. And
in demonstration are con-
tained iii. things, (that is
to say) who him complai-
neth and against whom, &
for what matter, & in the
declaration what ought to
be comprised, how and in
what manner the action
rose betwixt the parties,
and when and what daye,
pere and place, & to whom
the action shalbe given.

And in the conclusion he
ought to auerre & profer to
prooue his suit, and shewe
the damage which he hath
sustained by the wrong
done vnto him.

suppose de auer receiue
tort, & cest declaration
doit estre plaine & certain,
pur ceo que il impeache
le defendaut ou tenant &
auxy chace celuy a res-
ponder. Mes nota que
declaration fait per le
demaundant vers le te-
nant en action Real, est
appel proprement un
Count.

Nota que le Count ou
declaration doit contene
demonstration, declara-
tion & conclusion. Et en
demonstration sont con-
teines troys choses (cest
adire) que se pleint, &
deuers que & de quel
chase, & en le declara-
tion doit estre comprise
come & en quel maner
le cause del action surdi-
enter les parties, & quant
& quel iour, an, & lieu,
& a que l'action serrá
done.

Et en perclose il doit
auerre & profer de pro-
uer son suite & monstra
les damages queux il
susteine per le tort a luy
faite.

Hi. Dedi.

The Exposition of

143. **Definitus** pote...

Definitus pote...

Definitus pote...
 in briefe... & agit lou
 va homer... in le court
 le Roy... est fine & me
 puit bien traueler, donq;
 al auer... cest briefe...
 a ascun... l'usoe...
 disceete... person...
 payes... donex a luy
 wer pur... admit...
 son Attorney, ou de leuie
 fine... ou de, prender son
 confession ou son respõs,
 ou l'auter... examinauon
 come le matter require...

146. **Defendant.**

Defendant, est celui q

Defendant, est celui q
 est, sue en action per
 sonel, & il est appel tenar
 en yn action Real.

147. **Defence.**

Defence, est ceo que le

Defence, est ceo que le
 defendant doit, faire
 immediatement apres le
 count, nō declaration
 fait, cest adire que il
 defendra... les torts
 fotes & damage; lou
 & quant il deuera...
 donques de pcedre ou-

143. **Definitus** pote...

Definitus pote...

Definitus pote...
 in briefe... & agit lou
 va homer... in le court
 le Roy... est fine & me
 puit bien traueler, donq;
 al auer... cest briefe...
 a ascun... l'usoe...
 disceete... person...
 payes... donex a luy
 wer pur... admit...
 son Attorney, ou de leuie
 fine... ou de, prender son
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Defence, est ceo que le
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 count, nō declaration
 fait, cest adire que il
 defendra... les torts
 fotes & damage; lou
 & quant il deuera...
 donques de pcedre ou-

ther

ther to his plea, or to im-
partie.

And note, that in so
much that hee defendeth
the force and wrong hee
doeth excuse himselfe of
the wrong against him
surmised, and maketh him
partie to the plea, and in so
much that hee defendeth
the damage, he affirmeth
the partie plaintiffe able to
be answered unto.

And for the residue of
the defence, hee accepteth
the power of the Court to
heare and determine their
pleas of this matter. For
if hee will plesse to the
Jurisdiction, hee ought to
omitte in his defence those
wordes (ou & quant il
deuera). And if hee will
show any disability in
the plaintiffe, and de-
mand iudgement, if the
partie shal bee answered
unto, then hee ought to o-
mitte the defence of the
damage.

Demandant.

Demandant is hee that
saeth or complayneth
in an Action Real for

fiat a son plee, ou de im-
parler.

Et noter que, eurant
que il defend tout & force
al se excuso del tort vers
luy, surmise, & fait &
partie al plee, & per tant
que il defende les dam-
nages, il affirme le par-
tie plaintiffe able de se re-
spondre val ol en plesse.

Et pur le residue del
defence, il accepte le po-
wer del Court de oyer &
determiner les ples de
cel matiere. Car sil voile
ploder a Jurisdiction, il
doit omittre in son de-
fence les parols (ou &
quant il deuera). & sil
voile monstre aucun dis-
abilitie en le plaintiffe,
& demand iudgement
si le partie serra respon-
du, donques il doit omit-
ter le defence del dam-
mage.

Demandant.

Demandant est celui
qui se plaint en action Real pour

title de terre, & il est ap-
pel plaintife en vñ assise,
& en vñ action personel,
come en action de debt,
trespas, discent, detinue
& riels semblables.

149. Demaines.

Demaines, ou demesnes
generalment a parler
solongue le ley sont tous
les parts de alcun maner
q̄l ne sont en mains del
freeholders destare den-
heritance, coment soyent
occupies per tenant per
soy de Court Roll, les-
sees pur ans, ou pur vie,
cy bien come tenant a
volunté: mes specialment
a parler demaines solon-
que le common parlance
sont solement entend le
principall manor place
del seignour; que il &
ses ancestours ont eue de
temps hors de memory
en lour maines demesne,
& ount occupy ceo, en-
semble ouc tous edifices
& maisons quecunque,
Et auxi les prees, pastures,
boyes, terres errable, &
riels semblables, ouc ceo
occupie.

title of land, and he is cal-
led plaintife in an assise;
in an action personall as
in an action of debt, tres-
pass, detrit, detinue and
such like.

Demaines.

Demaines, or demesnes
generally speakinge
according to the lawe,
be all the partes of anye
manor which bee not in
the handes of freeholders
of state of inheritance,
though they be occupied
by copyholders, lessees for
yeres, or for life, as well
as tenants at will: But
especially to speake, de-
maines according to the
common speeche bee on-
ly understoode the Lords
chefe manor place, which
he & his ancestours have
from time out of mynde,
kept in their owne handes,
and have occupied the
same, together with all
buildinges and houses
whatso.uer, also the mea-
dowes, pastures, woods,
errable lande, and such
like, therewith occu-
pyed.

Wille

150 Halfe Blood.

HAlfe Blood is when a man marryth a wyfe, and hath issue by her a sonne or daughter, and she dyeth and then he taketh an other woman and hath by her also a sonne or daughter. Now these two sonnes are after a sorte brothers, or as they are termed halfe brothers, or brother of the halfe blood, that is to say, brother by the fathers side, because they had both one father and are both of his blood, and not brothers at all by the mothers side, nor of blood ne kin that way, and therefore the one of them cannot be heire to other, for he that will clayme as heire to one by descent must be of whole blood to him from whom he claymeth. In the same maner it is if a woman have diuers issues by diuers husbands, who are called brothers by one mother.

151

Demurrer.

Demurrer is when an action is brought & the defendant pleadeth a plea,

Demy sanke ou
langue.

Demy sanke est quant vn hōe marie vn feme, & ad issue per luy vn fies ou file & el morust, & donques il prist vn autre feme, & ad per luy auxy vn fies ou file. Or ceux deux fies sont solōque vn mūner freres, on come ils sont appels demy freres, ou freres del demy sanke & adire frere p le part de pier pur ceo que ils ont ambideux vn pier, & sont ambideux de son sāgue, & nemy freres per le part le mere, ne de aucun sanke on kinne cest voy, & pur ceo lun de eux ne poit estre heire al autre, car il q voile claime come heire al vn per descent, doyt estre entier sake a luy de q il claime. En mesme le maner est si feme eyt diuers issues p diuers barons qui freres vterini dicuntur.

Demurrer.

Demurrer est quant a cun action est port & le defendant plede vn ple
H. iij. a que

The Exposition of

a que le plaignant dit que
il ne voile respondre par
ceo que il n'est sufficient
plee en le ley & le defen-
dant dit al contraire que
il est sufficient plee, &
sur ceo ambideux mis-
roff la cause al iudge-
ment del Court, don-
ques ceo est appelle vn
demurrer.

152. Demizen.
Demizen, est l'on alien
nee aculent le subiect
le Roy & obtient le let-
ters patens le roy par cui
ioy toutes priuiledges,
coe vn hōe Anglois, mea
si vn soit fait Demizen il
paiera customs & autres
autres choses come alien,
come appert per diuers
Statutes de ceo faits.

153. Deodande.
Deodande, est quant al-
cun hōme per misfor-
tune est occide p vn chi-
ual ou per charret ou per
auter chose que mouet,
donques cel chose que est
le cause de son mort, que
al tēps de la misfortune
moua, sera forfait al

to whiche the plaintife an-
swereth, that he will not
answere, for that it is not a
sufficient plee in the law, &
the defendente saith to the
contrarie that it is a suffi-
cient plee; and thereupon
both parties do submit the
cause to the iudgement of
the court, then that is cal-
led a Demurrer.

Demizen. is where an a-
lien borne becommeth
the Kings subiect, and ob-
taineth the Kings letters
patentes for to enioy all
priuiledges as an English
man, but if one be made
Demizen he shall pay cu-
stomes, and diuers other
things as aliens, as it ap-
pertaineth by diuers Statutes
therof made.

Deodande.
Deodande is when any
man by misfortune is
slayne by a Horse or by a
cart, or by any other thing
that moueth, then this
thing that is cause of his
death, and which at the
time of his misfortune did
moue, shalbe forfait to the
king

king, & that is called De-
vance, and that pertaineth
to the king's Almoner for
to dispense almes & gifts
of charite. *De charite. De charite. De charite.*

134. Departure from a
plea or matter.

Departure from his plea
in one matter, is where a
man pleads a plea in barre,
and the plaintife replieth
thereto, and hee after in
his reponder, pleadeth of
another matter, contrary
to his first plea
thatis called a departure
from his barre &c.

135. Departure in dispite
of the Court.

Departure in dispite of
the Court, is when the
tenant or defendant appea-
reth to the action brought
against him, and hath a day
over in the same Terme,
or is called after, though
he hath no day given him,
so that he be in the same
terme if he doe not appeare
but makes default, this is a
Departure in dispite of the
Court, and therefore hee
shalbe condemned.

Roy, & ceo est appell De-
vance, & ceo pertaine al
Almoner le Roy par dis-
poser un Almes & actes
de charite. *De charite. De charite. De charite.*

134. Departure de son plea
en un matiere.

Departure de son plea
en un matiere, est l'ou vn
homme plede un plea en
barre & le plaintife re-
plie a ceo, & sil apres en
son reponder plede ou
monstre autre matiere co-
trarie a son primer plea
en barre, ceo est appell vn
depart de son barre &c.

135. Departure in dispite
del Court.

Departure in dispite del
Court, est quant le te-
nant ou defendat appare
al action port enuers luy,
& ad iour ouster en m le
terme ou est demande
apres, coment nul iour
soit a luy donec il sint que
soit en mesme le terme sil
ne appeare mes fait de-
faute, ce vn departure in
dispite del Court. *De puit*
ceo il terra condamne.

The Exposition of

156 **Deputie.**

Députie est celuy que occuppya en aut droyt soit ced office, ou ascun autre chose, & son forfaitur, ou dismemor causez l'office, ou celuy que deputie il est de pard' son office ou chose. Mes vn ne poit faire son deputie en tous cas, n'li le grāt soit il aut, sicome il soit oue ceux ou tels sēblables parols, excoedo per se, vel sufficientem deputatum suum, ou si les parols va ouster p se vel deputat suum, aut deputat deputati, donques il poit faire vn deputie & de deputie auxi poet faire vn deputie, auterint nemiē.

157 **Det.**

Det est vn brieve & gift ou ascun somme d'argent est due a vn p reason d'accompt, bargain, contract, obligation, ou aut especialtie, a estre paie a ascū certaine iour, a quel iour il ne paiea passe, dōques il auera cest brieve. Mes si ascun somme de argent soit due a ascun seignior p son tenant, pur

158 **Deputie.**

Députie is he that occupieth in an other mans right, whether it be office or anye other thing els, and his forfaiture or dismemor shall cause the officer or him whose deputie he is to lose his office or thing. But a man cannot make his deputie in all cases except the grant so be: as if it be with these or such like wordes to exercise or vse by himselfe or his sufficient deputie, or if the wordes goe further to himselfe or his deputie, or the deputie of his deputie, then he may make a deputie, and his deputie also may make a deputie, or els not.

159 **Debre.**

Debre is a writte, and it lieth where anye summe of money is due to a man by reason of accompt, bargain, contract, obligation, or other especialtie, to be payed at a certayne day, at which day he payeth not, then he shall haue this writ. But if any summe of money be due to anye Lord by his tenant for any

apprent service, the lord shall neuer haue action of dette, but it behooueth alwaies to distraine. Also for rent charge or rent secke, which any man hath for life, in taile, or in fee, he shall not haue any action of debt as long as the rent continueth, but his executors may haue an action of debt for the arrearages of any of the said rentes due in the life of their testator, by the Statute 32. H. 8. cap. 37.

But for the arrearages of rent reserved by a lease for term of yeeres, the lessor is at his election to haue an action of debt, or for to distraine: But if the lease be determined, then he shall not distraine after that rent.

But he must haue an action of debt for the arrearages.

158 Deuastauerunt bona testatoris.

Deuastauerunt bona testatoris is when the executors will deliuer the legacies that their testator hath giuen, or make restitution for impenes done

aucun rēt service, le seignior ne vneques aūa actiō de dett, mes il couient tous foits distraire. Auxī pur rent charge ou rent secke, quel home ad pur terme de son vie, en taile ou en fee, il nauera actiō de dett, cy longe come le rent endure, mes les executors poient auer vñ actiō de dett pur les arrearages de aucun des dits rēts due ē le vie leur testator, p l'estatute 32. H. 8. c. 37.

Mes pur les arrearages de rēt reserve sur vñ lease pur terme de ans, le lessor est a son election de auer action de dette, ou pur distraire: Mes si le lease soit determine, donques il ne distremera apres pur cel rent.

Mes couient luy datur vñ action de dett pur les arrearages.

Deuastauerunt bona testatoris.

Deuastauerunt bona testatoris est quat les executors voile deliuer les legacies que leur testator ad done ou faire restitution pur torts faits per luy

luy, ou paie ses detts due
 sur cōtraictes, ou aut detts
 due sur specialties, que
 iours de paiement ne sont
 encore venus &c. Et ne
 gard suffisent en leur
 manes pur discharger
 ceux detts sur records ou
 specialties, q'ils sont cō-
 pellabl' primerint p' le ley
 de satisher, dōques il se-
 ront cōstrains de payer de
 leur biens demaine ceux
 detts, le quel al primer
 p' le ley ibi, figeront com-
 pelles de payer, accordant
 al value de ceo q' ils deli-
 ueront ou pay sans com-
 pulsion, car tiels paimēts
 de detts, ou deliuerie de
 legacies, come est auant-
 dis, deuant detts paies sur
 specialties, ou records,
 quel iours de payment
 sont a ore venus, sont ac-
 compt en le ley en valant
 des biens del testator, cy-
 tant come si ils ad done
 eux sans cause, ou vend
 eux & conuert eux a leur
 proper v'se, si n'ont
 159 **D**eulse. **D**eulse est l'ouvn hōe en
 son testament, done:

by him, or pay his debts
 due vpon contractes, or o-
 ther debts vpon special-
 ties, whose dayes of pay-
 ment are not yet come.
 And he is not sufficient in
 their handes to discharge
 those debts vpon records
 or specialties, that they are
 compellable formerly by
 the law to satish, then they
 shalbe cōstrained to pay of
 their owne goods those de-
 ties, which at the first by
 the lawe they were com-
 pelled to pay, according to
 the value of that which
 they deliuered or payed by
 compulsion, for such pay-
 ments of debts, or deliuerie
 of legacies, as is aforesaid,
 before debts payed vpon
 specialties, or records,
 whose daies of paymēt are
 already come, are accom-
 pted in the lawe as valuing
 of the goods of the testa-
 tor, inmuch as if they had
 given them awaye with-
 out cause, or sold them and
 conuerted them to their
 owne vse, as is aforesaid.
Deulse is where a man in
 his testament, giveth

of bequeatheth his goods
of his landes to another
after his decease. And
where such beuile is made
of goods, if the executor
will not deliuer the goods
to the devisee, the devisee
hath no remedie by the co-
mmon law. But if beuileth
hath to haue a Citation
against the executor of the
testator to appeare before
the ordinary, to shew why
he performeth not the will
of the testator, for the deu-
isee may not take the lega-
cie and serue himselfe, but
it must be deliuered to him
by the executor.

But by the common law
if a man bee sole testor of
landes in his demesne
or free, & devise the landes
by testament, this devise
was void, until the landes
were in a Cite or borough
where landes be devisable
by custom. But if any man
were enfeoffed to the use of
another and his heires, and
he to whose use hee was so
enfeoffed did make beuile of
his landes, this beuile was
good, though it be not in a
Cite or borough where landes are
devisable.

ou grant les biens ou les
terres a vn autre apres son
decease. Et l'on n'el de-
uise est fait des biens, si
les executeurs ne veulent
deliuer les biens a le de-
uisee, le deuisee n'ad re-
medie per le common ley.
Mes il couient de auer vn
Citation vers les execu-
tors le testator d'appea-
rer deuant le Ordinaire,
de monstrer par quoy il ne
performe le volent le testa-
tor, car le deuisee ne pour-
ra pnder le legacy & auer sa
part, mes il doit estre de-
liu a luy par les executeurs.
Mes per le common ley,
si home fuit sole testor de
terres & son demesne ou
free, & devise les
terres par son testament, cest
deuise fait void, tant il les
terres sont en Cite
ou borough. Icu terres
sont devisable par custom.
Mes si aucun homme soit
enfeoffe a l'usage d'un autre
& ses heirs, & cestuy a que
use il fuit issint soit faire
deuise de ses terres, cest
deuise fuit bon, coment
que il ne fuit en ville ou
terres sont devisable.

Auxy

The Exposition of

Aury si alc' home de-
uise tres en cite, ville ou
borough deuisable, & le
deuifor deuie, si son heire
ou alc' auer abate en les
terres, donques le deuifec
aia bñ de Ex graui que-
rela: Mes cest bñ ne ser-
ra iammes plede deuant le
Iustice le Roy, mes touts
foits deuant le Maior ou
Baillifs in le dit ville.

Ex ore al fine de mon-
stre quant les leyes de
cest Realme, & les dis-
cretz Iudges de ceo, q'ux
sont les interpreters de le
ley, ont fauour volunt
& testaments, & ilsint
deuifec en yelding al eux
nel reasonable cōstruc-
tiō, come ils pensant pou
bien agreer oue les men-
tes de les morts, conside-
rantes q' volunt & testa-
ints sont par le plus part,
& p' common intencōn
fait quant le testator est
ore en grand langor,
feible & passa tout spe-
rans de recouerie, car
il est vn opimōn en le
pais enter le greinder nū-
ber, que si vn home per
chance soit ey sapient

Also if any man deuise
lands in a cite, towne, or
borough deuisable, and
the deuifor dyeth, if his
heire or any other abate
in the landes, then the de-
uifor shall haue a writte of
Ex graui querela: But
this writte shall neuer be
pleaded before the Kinges
Iustice, but alwayes be-
fore the Maior or Baillifs
in the same towne.

And here to the ende to
shew how much the lawes
of this Realme, and the
wise discrete Judges of
the same, who are the in-
terpreters of the lawes, doe
favour wills & testaments,
and so prouide in yelding
to them such a reasonable
construction, as they thinke
might best agree with the
minds of the dead, consi-
dering that wills and tes-
taments are for the most
parte, and by common in-
tendment made: When
the testator is nowe very
sicke, weake, and passe
all hope of recouerie, for
it is a receiued opimōn
in the Countrey among
moste, that if a man should
change to bee so wise

as to make his will in his
good health, when hee is
strong of good memory, and
hath time and leisure, and
might aske counsell if any
doubt were of the learned
that then hee should not
live long after, and there-
fore they deferre it, to such
time, whye as it were more
conuenient to applie them-
selues to the dispositions
of their soules, then of
their landes or goods ex-
cept it were that by the
fresh memory, and reci-
tall of them at that time,
it might bee a cause to
putte them in minde of
some of their goods or
landes falsely gotten,
and so moue them to re-
stitution &c. And at that
time the penning of such
willes are commonly com-
mitted to the Minister of
the Parish, or to some o-
ther more ignorant then
hee who knoweth not
what wordes are neces-
sary to make an estate in
fee simple, fee taile, for
terme of life or such like
besides manie other mis-
chiefes: I will therefore
here sette downe some of

come de faire son volunt
en son bone sane, quant il
est strong, de bone me-
morie, & ad temps & op-
portunite, & poit demãd
counsell si ascun doute
loit de le learned, que dõ-
ques il ne doit viuer long
apres, & pur ceo ils ceo
deferre tanque tel temps
quant ceo soit plus con-
uenient de applier eux
meismes a le disposition
de leur almes, q̃ de leur
terres & biens, sinon que
il soit que per fresh me-
morie, & recitall de eux
a cest temps, il poit estre
vn cause de mĩtĩ eux en
ment de asc̃ de leur biens
ou tres fauĩnt purchase
& issint moue eux al re-
stitutiõ &c. Et a cest tẽps
le escripture de tiels vo-
lunts sont comunement
comĩt al nũnister del pa-
roch ou al ascun aut plus
ignorant que luy, que ne
scauoit quĩ parolx sont
necessarie pur faire vn e-
state ẽ fee simple, fee tail
pur terme de vie, ou tiels
semblables, preter diuers
aut mischiefs: Ieo voile
pur ceo mise cy ascuns de
ceux

The exposition of

deux cascs queux sôt plus
commun en les bouches
de les ignorant homes &
portent perle fauient in-
terpretations de les iud-
ges, come est auant dit, vn
large & plus fauorable
sece en volûts q. en faits.

Et pur ceo primerment
si vn deuise al l. S. per
font volunt, tous les ter-
res & tenements, icy non so-
lement tout ceux t'es, q.
il ad en possession passât,
mes auxi ceux de que il
ad le reuerfion, per vertu
de ceux parelx tenements.

Et si terres sont deuise
a vn homme a auer a luy in
ppetuum, ou a auer a luy
& a ses assignes; in ceux
deux cascs le deuisee aũ
see simple. Mes si soit dōe
per feoffment on tiel ma-
nier, il nad forsque estate pur
terme de vie. Auxi si vn
homme deuise ses terres al
auter, pur doner, vender,
ou faire de oco a lō wil &
pleasure, cest see simple.

Vn deuise fait al vn &
a ses heres males fait vn
estate taile, mes si tiels
parols sont mise en vn
bue de feoffment, il sera

those cases, that are most
common in ignorant men's
mouthes, & do carrie by the
wise interpretations of the
Judges, as is aforesaid, a
larger and more fauoura-
ble sence in willes then in
deeds.

First therefore if one de-
vise to A. B. by his will
all his landes & tenements,
here not only all those lands
that he hath in possession do
passe, but also those that he
hath the reversion of by
virtue of these wordes te-
nements.

And if landes be deuised
to a man to have to him
for ever, or to have to him
and his assignes, in these
two cases the deuise shall
haue a fee simple. But if
it be given by feoffment in
such manner he hath but an
estate for terme of life. Also
if a man deuise his landes
to other, to giue, sell, or
doe therewith at his plea-
sure, or will, this is fee
simple.

And if a man deuise lands to one
to his heires males doth
make an estate taile, but
if such wordes be put in a
bue of feoffment it shal be
taken

taken a fee simple, because it doth not appeare of what bodie the heires males shal be begotten. If lands bee given by deed to J. S. and to the heires males of his body &c. who hath issue a daughter, who hath issue a sonne, and dieth, there the land shal returne to the donour, and the sonne of the daughter shall not haue it, because hee cannot conueie himselfe by heires males, for his mother is a let thereto, but otherwile it is of such a deuise, for there the sonne of the daughter shal haue it rather then the will shalbe void.

If one deuise to an infant in his mothers belly, it is a good deuise, otherwile it is by feoffment, graunt, or giste, for in those cases there ought to be one of abilitie to take presently or otherwile it is void.

A deuise made in fee simple without expresse words of heires, is good in fee simple.

But if a deuise be made to J. S. hee shall haue the lande but for terme of life, for those wordes will carie no greater estate.

pur la fee simple, pur ceo que il nappiert de quel corps les heirs males seront engendrez. Si terres sont donec par fait a J. S. & a les heirs males de son corps &c. que ad issue fille, que ad issue fites & morust, la se terre reuertera al donour, & le fites de fille naueru ceo, pur ceo que il ne poit a luy mesme conueier p heres males, car la meere est vn obstacle a ceo, mes autrement est de tiel deuise, car la le fites del fille ceo auera plustost que le volunt sera void.

Si vn deuise al enfant in ventre matris suar, cest bone deuise, autrement est p feoffment, grant, ou donec, car e ceux cases il doit estre vn del habilitie pur prendre maintenant, autrement il est void.

Vn deuise fait e fee simple sans expresse mots del heirs est bon e fee simple.

Mes si vn deuise soit al J. N. il auera les terres forsq pur terme de vie, car ceux parols ne voient porter greindre estate.

Si

The exposition of

Si vn voile que son firs
 L'auera son terre puis le firs
 mort son feme, icy le firs
 le deuifor aſſe le cre pri-
 mes pur terme de ſa vie.
 Iſſint ſi home deuife ſes
 biens a ſa feme, & que
 apres le deceaſe de ſon
 feme, ſon firs & heire a-
 uera le meſon ou les
 biens ſont, la le firs na-
 uera le meſon durant
 le vie de le feme, car il
 appiert que ſon intent
 fuit, que ſa feme doit a-
 uer le meſon auxi pur
 terme de ſa vie, nient ob-
 ſtant il ne fuit deuife a
 luy per expreſſe parols.

Si vn deuife ſoit al I.
 N. & a les heires females
 de ſon corps engendres,
 apres le deuifee ad iſſue
 firs & file, & moruſt, icy
 le file auera le terre, &
 nemy le firs, & vncore il
 eſt plus digne perſon, &
 heire al lo peire, mes pur
 ceo que volunt del mort
 eſt, que le file doit ceo a-
 uer, ley & coſcience voet
 iſſint auxi.

Et en ceſt point les
 heathen fueront precise,
 come appiert p ceux ver-

If one will that his ſon
 ſhal haue his land, after
 the death of his wiſſe, here
 the wiſe of the deuifor ſhal
 haue the land firſt for term
 of life. So likewiſe if a
 man deuife his goods to
 his wiſſe, & that after the
 deceaſe of his wiſſe, his ſon
 & heire ſhal haue the houſe,
 where the goods are, there
 the ſonne ſhall not haue the
 houſe during the life of the
 wiſſe, for it dooth appere
 that his intent was, & his
 wiſſe ſhould haue the houſe
 alſo for terme of her life,
 notwithstanding it were
 not deuife to her by ex-
 preſſe words.

If a deuife be to J. N.
 and to the heires females
 of his bodie begotten, af-
 ter the deuifees hath iſſue a
 ſonne & daughter, and di-
 eth, here the daughter ſhall
 haue the land & not the ſon,
 and yet he is the moſt wo-
 rthy perſon, & heire to his
 father, but becauſe the will
 of the dead is, & the daugh-
 ter ſhould haue it, lawe and
 conſcience wil ſo alſo.

And herein the veris
 heathens were precise as
 appereth by thoſe ver-
 ses

ses of Octavius Augustus, which Donatus reporteth hee made after \S Virgil at his death, gaue comādemēt, that his booke should bee burnt, because they were imperfect, and yet some perswaded that they should be saued, as in dede they happily were, to whō hee answered thus: but faith of lawe must needes be kept and what last will doth say, And what it doth commaund bee done, that needes we must obey.

ses de Octavius Augustus que Donatus report il fesoit apres que Virgil a son morte donoit comādemēt, que ses liuers doiēt estre combure, par ceo que ils fueront imperfect, & vncore ascuns persuadont que ils doient estre saue, cōc en fait ils happiment fueront a que il respond issint: Sed legum seruāda fides, suprema voluntas, Quod mandatur, fierique iubet, parere necesse est.

160 Diem clausit extremum.

Diem clausit extremum, is a writ, & it lieth wher the Kinges tenaunt, that holdeth in chiefe, dieth, this writte shal bee directed to the eschetour to enquire of what estate hee was seised, and who is next heire, and his age and of the certaintie of the land, and of what value the land is, and of whome it is holden, and that inquisition shalbe returned into the Chancerie, which is cōmonly called: The office after the death of that person.

Diem clausit extremum.

Diem clausit extremum, est vn br, & gist lou le tenant le Roy, q tient en chief morust, donq cē br sera direct al eschetour denquirer de quel estate il fuit seisi, & que est procheine heire, & de q lage & de la certainty del tē, & de quel value le terre est, & de que ceo est tenu, & cel inquisitiō sera retourne en le chancerie & est communement appel, The office after \S death of that person.

l.i.

Discent.

The Exposition of

161

Discent.

Discent, est en ij. sortes, ou lineal, ou collat'al.

Lineal discent est quant le discent est conuey en mesme le lyne dentier sangue, come aile, peere, fis, fis del fis & ilsint debass.

Collateral discent est dehors en vn autre brāch dehaust dentier sangue come le frere del ayle, frere del peere, & ilsint debass.

Nota que si vn deuie seisie en fee, ou en taile de terre en quel autre ad droit denter, & ceo discent a son heire, tiel discent tollera lentre de cestuy que droit auoit denter, pur ceo q le heire ad ceux per le discent de son pere, & ilsint vient a les tenemēts per acte del ley, & cesty que droit ad ne puit luy ouster per entre sur luy, mes est mise de suer son brief a demaund le terre solonque le nature de son title. Vide de ceo Littleton, luer. 3. ca. 6. & Stat. 3. Henr. 8. cap. 33.

Discent.

Discent, is in 2. sortes, either lineal or collateral.

Lineal discent is when a discent is conueyed in the same line of the whole blood, as grandfather, father, sonne, sonnes sonne, and so downward.

Collateral discent, is out in another branch from above of the whole blood, as grandfathers brother, fathers brother, and so downward.

Note that if one die seised in fee, or in taile of lande in which another hath right to enter, and that discenteth to his heire, such discent shal take away the entrie of him which hath right to enter, for that that the heire hath them by discent from his father, & so came vnto those tenemēts by the doing of the lawe, and he that had right can not put him out by entering vpon him, but is put to sue his writ to demaund the land according to the nature of the title. See hereof in Littleton, lib. 3. cap. 6. and statute, 3. Henr. 8. cap. 33.

Disclay-

161 Disclaymer.

Disclaymer, is where the Lord distraineth his tenant; and hee sueth a repleuin, and the lord auoweth the taking by reason that hee holdeth of him, if the tenant say that he disclaimeth to hold of him, this is called a disclaymer, and if the lord thereupon bring a writ of right sur disclaymer, and it be found against the tenant hee shall lose his land. Also if one bringeth a precipe against two other for the land, and the tenant disclaymeth and saith, that hee is not thereof tenant, neither claymeth any thing therein, then the other shall haue the whole land. But if the precipe be brought against one alone, and hee disclaymeth as is aforesaid, the writte shall abate, and yet the demandant maie enter into the lande and holde it in his rightfull estate, although his entrie was not lawfull.

Disclaymer.

Disclaymer, est lou le seignior distraise son tenant, & il sua repleuin, & le seignior auowa le prisel, per reason que il tient de luy, si le tenant dit que il disclayme de tener de luy, cest appel vn disclaymer, & si le seignior sur ceo porte brieve de droit sur disclaymer, & il soit trouue encounter le tenat, il perdrera le terre. Auxy si vn port vn precipe vers deux autres pur terre, & le tenant disclayme & dit, que il nest de ceo tenant, ne claim rien en ceo, donques lautre auera tout le terre. Mes si le precipe soit envers vn sole, & il disclayme, come auant est dit le brieve abatera, & vncore le demandant poit enter en le terre, & ceo tetter en son droiturel estate comēt son entrie ne fuit loyal.

163 Discontinuance.

Discontinuance, is when a man alienateth to another, Landes or tene-

Discontinuance.

Discontinuance, est quat vn home alien a venter terres ou tene-
I.ii. ments

The Exposition of

ments & morust, & vn
auf ad droit a mesme les
terres & ne puit enter en
eux p cause de cel aliena-
tion, sicome vn Abbot a-
lien les ères de son mea-
son a vñ auter en fee, ou
en fee taile, ou pur terme
de vie, ou si vn home aliē
les terres q̄ il ad en droit
sa feiñ, ou si tenant en
taile alien les terres do-
ne a luy & a ses heires de
son corps, donque tiels a-
liens sont appels dis-
continuance, car tiels
estates passent tous foits
per luerie & feiñ, & en
ceux cas le successeur
labbe, ne la feme apres le
mort son baron, ne lissue
en le taile apres le mort
le tenant en le taile ne
pourent enter mes chescun
de eux est mise a son acti-
on. Vide pluis de ceo en
Lit^r lib. 3. ca. 11. & 32. H.
8. ca. 28. que toll les dis-
continuances per baron
seisi en droit son feme.

ments, and dieth, & another
hath right to y^e same lande;
and may not enter into the
because of this alienation;
as if an Abbot alien the
landes of his house to an-
other in fee, or fee taile, or
for terme of life, or if a man
alien the landes that hee
hath in the right of his
wife, or if tenaunt in the
taile alien the landes gi-
uen to him and to the heirs
of his body, then such ali-
enations bee called Dis-
continuance, for such es-
tates passe alwaie by li-
uerie and feiñ, & in these
cases the successor of the
Abbot or the woman af-
ter the death of her husband
or the issue in the taile af-
ter the death of the tenant
in taile may not enter, but
euerie of them is put to
his action. See more here-
of in Littletō lib. 3. cap. 11.
and 32. H. 8. cap. 28. which
taketh away discontinu-
ances by the husbände
seised in right of his wife.

164

Disines.

Disines, sont les disines
parts de asc' chose, mes
appreint de ceux choses

Tithes.

Tithes, are the tenth
parts of any thing, but
properly of those things
which

which doe increase, which for the most part do belong to ministers of the church for their maintenance, and they be in thre sorts deu- ded, to wit Predial tithes, Personall tithes, & Mixte tithes, Prediall tithes are tithes that bee paid of thinges that come of the ground only, as cozne, hay, fruits of Trees and such like.

Personall Tithes are Tithes to be paid of such profits as come by the labour and industrie of mans person, as by buying, selling, gaines of Merchandize, and of handicraftes men, labourers and such as worke for hire, as carpenters, Masons and such like.

Mixt tithes are tithes of calves, lambs, pigs, and such like, & increase partly of the ground that they bee fed vpon and partly of the keeping industrie and diligence of the owner.

165 Disparagement.

Disparagement, is a shame disgrace or villany done by the gardeine in Chi-

que encrease, qux pur le plus partie pertaigne al Ministres desglise pur leur maintenace & ils s'ot deuides en iij. sorts, no- mit Predial dismes, Parso- nel dismes & Mixt dis- mes, Predial dismes sont dismes, q s'ot paid de cho- ses, qux viēt de le terr s'ot lemt, coē bles, fein, fruits del arbors & tiels semb'.

Parsonel dismes sont dismes que sont paies de tiels profits que veigne p le labor & industrie del person dun home, come per emption & venditiō, gain de marchandize & de manuel crafts homes laborers & tiels q labor pur salary, come carpent', masons & tiels sēblables.

Mixte dismes sont les dismes de vitels, agnes, porcel & tiels sēblabl', q encrease partint del tre, sur q ils sont depastures, & partint del garding, é- dultrie, & diligence del owner.

Disparagement.

Disparagement est vn hōt, disgrace ou villanye fait p le gardein en Chi-
I. iii. ualrie

The Exposition of

ualrie a son gard en chivalry, esteant deins age p reason de son mariage.

Come quant le gardein marrie son warde deins age de xiiii. ans, & deins tiel temps q'il ne poit consent al mariage, al vn niese, ou al file dun q demurt en vn borough (que est destre entend tiels que peres professe maincrafts & tiels baser arts de emption & venditiō pur gain lour viuer per ceo) ou al vn que ad fors; vn pee, ou vn maine ou est decrepit ou deforme, ou aiant horrible discaise, come le leprosie, les pockes de frankes, falling sicknes, ou tiels semblables, ou marrie luy a vn feme que est passe lage denfanter & diuers tiels auters, donq; sur le complaint fait per les amies de tiel heire, le sir ou gardein perdera le gardship & les profits durant le nonage de le heire pur le hont fait a luy. Vide Litt^r lib. 3. ca. 4.

166 Disseisin.

Disseisin, est quant vn hōe ent^r en ascū terres

ualrie to his ward in Chivalrie being within age by reason of his mariage.

As when the gardeine doith marrie his warde within age of xiiii. yeres, & within such time as hee cannot consent to marriage, to a bondwoman, or to the daughter of one that dwelt in a borough (which is to be understood, such whose fathers professe handicrafts, & those baser artes of buying & selling, to get their living by) or to one that hath but one foote, or one hand, or is lame or deformed; or hath some horrible discaise, as the leprosie, french pockes, falling sicknes or such like, or marryeth him to a woman that is past childbearing, & diuers such other, then upon the complaint made by the friends of such heire, the Lord or gardeine shall loose the wardship, and the profits during the nonage of the heire for the shame done vnto him. See Littlef lib. 3. cap. 4.

Disseisin.

Disseisin, is when a man enters into any landes

of tenementes where his entrie is not lawfull, and putteth him out, that hath the frathold.

167 Disseisin vpon disseisin. Disseisin vpon disseisin, is when the disseisour is disseised by another.

168 Disseisor and disseisee.

Disseisor, is which putteth any man out of his land without order of the law, & disseisee is he that is so put out.

169 Disceit.

Disceit, is a writ, & it is sometime originall, and sometime iudiciall, but when it is originall, it lyeth wher any disceit is don to a man by another, so & hee hath not sufficiently perfourmed his bargaine or not perfourmed his promise, then he that is in such maner disceined shall haue this writ.

Also when this writ is iudiciall, it lyeth where a Scire fac. is sued out of any Record against a man, and the Shritife returneth,

our tenements, lou son entre nest pas congeable, & oulta celuy q ad le frak-tenement.

Disseisin sur disseisin.

Disseisin sur disseisin, est quant le disseisour est disseisee per vn autre.

Disseisour & disseisee.

Disseisour, est celuy que mist ascun home hors de son terre sans order de ley, & disseisee est celuy que est issint mis.

Disceit.

Disceit est vn bre, & est ascun fons original, & ascun foits iudiciall, mes quant il est original, gist lou ascu disceit est fait a ascu hoe p vn aut, issint q il nad sufficientment pform son bargain, ou nient performe son promise, dōq: celuy que est en tel man disceine auera cest bre.

Auxy quant cest brie est iudiciall il gist ou scire facias est sue hors de ascun Recorde vers vn & le Vicount retournē

I.iii.

que

que il est garnye, ou il ne fuit garnye ou lou vn Præcipe quod reddat de plee de terre, ou Quare impedit del presentment al eglise est sue vers vn, & le vicouur retourne que il est summon, lou il ne fuit summon, per quel disceit & faux retourne le demandant reconier en le plaint, donques le partie greue auera cest brieue vers celuy que recouera, & vers les summoners, & vers le vicont, donques le brief serra direct al Coroners de mesme le countie, si il continue vicount que fist le retorne.

that hee is warned where he was not warned, or where a Præcipe quod reddat of a plee of lands, or a Q. impedit of the presentment to a church, is sued against one, & the shirife returneth that he is summoned, where he was not summoned, by which disceit & false returne the demandant recouereth in his plaint, then the party grieved shall haue this writ against him that recouered, & against the summoners, & against the shirife, then the writt shall bee directed to the Coroners of the same countie, if hee continue shirife that made the retorne.

Distresse.

170 Distresse.

Distresse est le chose q est prise & distraigne sur aucun terre pur rent arriere, ou pur auter dueite, ou pur tort fait, comment q le proprietie del chose soit perteignant al estrange: Mes si sont auers. que perteignent al estrange, il couient q ils sont leuant & couchant sur in le terre, cest adire

Distresse, is the thinge which is taken and distraigned vpon any land for rent behind, or other duty, or for hurt done although that the proprietie of the thing belongeth to a stranger: But if they be beastes that belong to a stranger, it behooueth that they were leuant or couchant vpon the same ground, it is to saye, that

that the beastes haue been vpon the ground certaine space, that they haue them selfe well rested there, or els they be not distrainable for rent or seruice.

And if one distraine for rent or other thing without cause lawfull, then the partie grieved shall haue a repleuin and vpon suretye found to pursue his action shall haue the distresse to him deliuered again. But there bee diuers thinges which be not distrainable, viz. another mans gowne in the house of a tailor, or cloth in the house of a fuller, sheerman or weauer, for that they bee cominon artificers, & that the common presumption is, that such things belong not to the artificer, but to other persons which put them there to be wrought,

Also bitail is not distreynable nor corne in sheues, but if they be in cart, for þat a distresse ought to be alway of such things wher of the shirif may make repleuin, & deliuer againe in as good case as it was at the tyme of the taking.

que les auers auoyent este sur le terre per certaine space, que ils ont eux bien repose sur la terre, ou au termēt ils ne sont distreynable pur rent ou seruic'.

Et si vn distraine pur rēt ou auter chose sans cause loyal, donques le partie greeue auera vn repleuin, & sur suretie troue de pursuer son action, auera la distres a luy redeliuer. Mes sont diuers choses q̄ ne sont distrainable, viz. robe de auter home en le meason de vn Tailor, ou drape en le meason dun fuller, sheerman ou weauer, pur ceo q̄ ils sont cominon artificers, & que le common presumptiō est, que tiels choses ne sont perteignant al artificer, mes al auters persons que le mittont la a ouerē.

Auxi viād' nē p̄ distreynable, ne blees en sheues, sinon q̄ ils sont en vn charreot, pur ceo q̄ distres couient este toutes foits de tiel chose, dont le viconit poit faire repleuin & redeliuē en auxi bon case q̄ il fuit al temps del prisel.

Auxi

The Exposition of

Auxi hœe poit distreine pur homiage de son t̃, pur fealtie & escuage, & aut's seruic', & pur fines & amerc' que sont assesse en vn Leete, mes nemy en vn Court baron. Et auxy pur damage fesant, cest adire, quant il troue les beastes ou bñs des auters feasant tort ou incumbrant son terre: Mes home ne poit distreine pur aucun rēt ou chose due pur aucun terr̃, mes sur mesme le terre q̃ est charge ouesque ceo; Mes en case lou ieo veign a distreiner, & l'auter veyant mon purpousechase les beastes, ou port le chose dehors, al intēt que ieo ne prendra ceo pur distres sur le terre, donques ieo poy bien pursue, & si ieo prise ceo maintenant en le hault chemin ou en auter soyle, le prisel est loyal, auxy bien la cōe sur la terre charge a quecunque la proprietie des biens sont.

Auxi pur fines & amerciaints q̃ sōt assesse en vn leete, vn poit tous fortes prēder les bñs ecluy que

A man may distreine for homage & fealtie, & escuage, & other seruices & for fines and amerciaments which bee assessed in a Leete, but not in a Court baron. And also for damage feasant, that is to say, when hee fyndeth the beastes or goods of any other doing hurt or cumbring his ground. But a man may not distreine for any rent or thing due for any lande, but vpon the same land that is charged therewith: But in case where I come to distrein, and the other seeing my purpose chaseth y beastes, and beareth the thing out, to the intent that I shall not take it for a distresse vpon the ground, then I may well pursue, and if I take it presently in y high way, or in anothers ground, the taking is lawfull as well there as vpon the land charged, to whom soeuer the proprietie of the goods be.

Also for fines & amerciaments which be assessed in a leete, one may alway take the goods of him that

is so amerced, in whose
groſſid ſocur they be with-
in the iurisdiction of the
Court as it is ſaid. And
when one hath taken a di-
ſtreſſe, it behoueth him to
bring it to the common
pound, or elſe he may keepe
it in an open place, ſo that
hee giue notice to the par-
tie, that hee (if the diſtreſſe
be a quicke beaſt) may giue
to it ſwede, and then if the
beaſt die for default of food,
he that was diſtrayned
ſhall be at the loſſe, and then
the other might diſtraine
agaïne for the ſame rent
or duntie. But if hee car-
rie the diſtreſſe to a holde, or
out of the Countie, that
the Shiriſe may not make
deliuerance vpon the re-
pleuin, then the party vpon
the retorne of the Shiriſe,
ſhall haue a writte of Wi-
thernam byrected to the
Shiriſe, that hee take as
many of his beaſtes, or as
much goodes of the other
in his keeping, till he hath
made deliuerance of the
firſt diſtreſſe. And alſo if
they bee in a forſlet or Ca-
ſtel, the Shiriſe may take
with him the power of the

eſt iſſint ameree, en que-
cunq; ſoule que ils ſont
deins le iurisdiction del
court vt dicitur. Et quant
vn ad priſe vn diſtres, il
couient a luy de amefner
ceo al common pound,
ou autrement il poit gar-
der en ouert lieu, iſſint
q il done notice al par-
tie, que il (ſi le diſtres
ſoit viue auers) poit do-
ner a luy viand, & don-
ques ſi le auers moruſt
pur default de viand, ce-
luy que fuit diſtrein ſerra
a le pard, & donques lau-
ter poit diſtraine auter-
foits pur meſme le rent
ou duntie. Mes ſil amefna
le diſtres a vn forſlet, ou
hors del countie, q le vi-
cont ne poit biẽ faire de-
liuerãce ſur repleuin, dõ-
qs le partie ſur le retorne
del vicon aũ vn briſe
de Withernam direct al
Vicon, q il prendra tant
de ſes auers, ou tant des
biẽs lauter en ſon garde,
tanque il ad fait deliue-
rãce de la primer diſtres.
Auxi ſi ſõr en vn forſlet ou
caſtel, le vicon poit præ-
der oue luy le power del
Countie,

The Exposition of

Countie, & abater le castell. Come appiert per lesta. W. 1. cap. 17. Ideo vide Statutum.

171 Diuorce.

Diuorce issint appel de Diuortium, veniēs del verbe Diuerto, que signifie deretorner arere, cest est vse en ley quant vn home est seperate de sa feme, il luy retorne arere a sa pere ou auter amies, ou a luy ou il luy ad, & per tiel diuorce le mariage est defeate & distroy.

172 Donor & Donee.

Donor est celuy q̄ done terres ou tenements al auter en taile, & celuy a que il est done est appel Donee.

173 Double plee.

Double plee est lou le defendant ou tenant en alcun action pled vn plee en que deux matters sont comprehendus, & chescū per luy mesme est vn sufficient barre ou respons al action, donques tiel double plee ne serra admit pur plee, sinon q̄ vn depend sur l'auter, & en

Countie, & beat downe the castell. As it appareth by the statute West. 1. cap. 17. therefore loke the statute.

Diuorce.

Diuorce so called of Diuortium, cōming of the verbe Diuerto, which significeth to retozne backe, it is vsed in law when a man is diuorced from his wife, hee retozneth her backe home to her father or other friends, or to the place from whence he had her, and by such diuorce the marriage is defeated & vndone.

Donor and Donee.

Donor is hee which giueth lands & tenements to an other in taile, and he to whom the same is giue is called Donee.

Double plee.

Double plee is where the defendant or tenaunt in any action plebeth a plee, in the which two matters be comprehendeds, & euery one by himselfe is a sufficient barre or aunswere to the action, then such a double plee shall not be admitted for a plee, except one depend vpon an other, and in such

fach case if he may not haue the last plee without y first plee, then such a double plee shalbe well suffered.

174 Dower

Dower is a wozit and it lieth where a mā is sole sepled during the couerture betweene him and his wife, of lands oz tenemēts in fee simple oz fee tayle, where by possibilitie the issue betweene them may inherite, if such a man die his wife shall recouer the thirde part of all the landes whereof the husband was sole sepled any time during the couerture by a wozit of Dower vnde nihil habet, though hee died not sepled, and though that he made alienation thereof in his lyfe. But if a man before the statute of Wles 27. H. 8. had landes, in the which an other man, oz other men were sepled to his vse at waies during the couerture, and hee to whose vse they were seised dieth before the said Statute, his wife shal not be indowed.

And also if before the sayd Statute two men be seised of landes to the vse of

tiel case si il ne poyt auer le darrein plee sans le primer plee, donqs tiel double plee serā bien suffer.

Dower.

Dower est vn brieve & gift lou home est sole seisie durant le couerture perenter luy & sa feme, de terres ou tenemēts en fee simple ou fee taile, lou p possibilitie le issue enter eux poient enherite, si tiel hōe deuie sa feme recouera la tierce part de tous les tēs dont le baron fuit sole seisi ascun tēps durant le couerture p brieve de Dower vnde nihil habet mesque il ne morust seisie, & mesq; il ad fait alienation de ceo en sa vie. Mes si hōe deuant le statute de Vles 27. H. 8. ad terres, en queux aut hōe, ou auters homes fueront seisies a son oepe tous foits durant le couerture, & cesty a q oepe ils fueront seisies deuie deuaunt le dit statute, sa feme ne serra endow.

Et auxy si deuant le dit Statute deux homes sont seisies de terre al oepe de

The Exposition of

vn de eux, & cestuy a que
oeps Sec. deuie deuant le
dit statute, la femme ne
serra indow Auxy si feme
port br de dower, el re-
couera dammage; pur le
profite incurtus apres la
mort le baron. sil morust
de ceo seisie, Mes si ascun
alienation ou estate soit
fait durant le couerture,
ilsint que le baron ne
morust seysie, donques
mesquel recouer la terre
vncore el ne recouera
dammages. Auxy il est
vn auter brieft de dower,
appel brieft de droit de
dower, & gist lou feme
ad recouer parte de la
dower en mesme la ville,
& auter parte el est a re-
couer. Auxy en diuers
cases feminauera dower,
sicome le baron fait trea-
son, pur que il est attain-
te, donque la feme nauera
dower. Auxy si el elopa
de son baron ouesque vn
auter home in auowtry,
& si il ne soit reconce-
le p son baron de son bone
volunt sans cohercion del
Esglise, el ne serra en-
dowe.

one of them, & he to whose
use or. dieth before the said
statute, his wife shall not
bee endowed. Also if a
woman bring a writte of
dower, she shall recouer da-
mages, for the profit run af-
ter the death of her husband
if he dieth thereof seysed,
but if any alienation or es-
tate were made during
couerture, so that the hus-
band died not seysed, then
though shee shall recouer
the land, yet shee shall reco-
uer no damages. Also
there is an other writte of
dower called a writte of
Right of dower, and it ly-
eth where a woman hath re-
couered part of hir dower
in one towne, and the other
part she is to recouer. Al-
so in diuers cases a woman
shall not haue dower, as if
the husband comit treason
for the which he is attain-
ted, then his wife shall haue
no dower. Also if she go a-
way fro her husband with
an other man in aduowtry,
and if she be not reconciled
by her husband of his own
will without cohercion of
the Church, shee shall not be
indowed.

Right.

175 Right.

Right, is where one hath a thing that was taken from another wrongfully as by disseisin, discontinuance, or putting out or such like, and the challenge or claime that hee hath, who should haue the thing, is called Right.

176 Right of entrie.

Right of entrie, is when one seised of land in fee, is thercof disseised: Now the disseisee hath right to enter into the land, & may so doe when he will, or els hee may haue a writte of right against the disseisor.

177 Dum non fuit compos mentis.

Dum non fuit compos mentis, is a writ & it lieth where a mā that is out of his wits, that is to say, mad or lunatique alieneth the landes that he hath in fee simple, & dieth, then his heire after his decease shal haue this writ, but he himselfe shall not haue this writte for that, that a man shall not be receiued to disable himselfe. Also this writ may be made in the per, cui, and post.

Droit.

Droit, est lou vn ad chose que fuit toll de auter p cōte, come p disseisin, discontinuance, ou eiection, ou tiels semblables, & le challenge ou claime q il ad, que auoit le chose, est terme. droit.

Droit dentre.

Droit dentre, est quant vn seysie de terre in fee, est de ceo disseisi: Or le disseisee ad droit dentre en le terre, & poet quant il voile, ou il poet auer brieue de droit enuers le disseisor.

Dum non fuit compos mentis.

Dum non fuit compos mētis, est vn brieue & gist lou hōe que est hors de sō bone memory, cest adire, insane ou lunatique, alien les terres que il ad in fee simple, & deuies donques son heire apres son deceale auera cest brieue, mes il mēme nauera cest brieue, pur ceo, que home ne serra rescue a disabler luy mēme. Auxy cest brieue puit este fait en le, per, cui, & post.

178 Dum

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178 Dum fuit infra

Dum fuit infra

etatem:

etatem.

DVm fuit infra etatem, cest vn brief & gift lou enfant deins age alien sa terre que il ad in fee simple, ou pur terme de vie, quant il vient a son pleine age il auera cest briefe, ou il puit entre si il voile: mes il couient que il soit de pleine age, iour de son briefe purchase. Auxy si enfant alien sa terre, & deuie, son issue a son pleine age aua cest briefe ou puit enter, mes lissue nauera cest briefe deins son age.

197 Dures.

DVres, est lou vn home cest garde in prison ou restraine de son libertie contrary a border de ley, & si tiel person issint esteant in dures, fait ascun especialty ou obligation per reason de tiel imprisonment, tiel fait est void en le ley, & in actio porte sur tiel especialty il puit dire que il fuit fait per dures de lo imprisonment, mes si home soit arrest sur ascun action al suite

DVm fuit infra etatem, is a writ, and it lyeth where an infant within age alieneth his lande which he hath in fee simple or for terme of life, when he cometh to his full age hee shall haue this writ or he may enter if he will, but it behooueth that he be of full age the day of his writ brought. Also if an infant alien his land, and die, his issue at his full age shall haue this writ or hee may enter, but the issue shall not haue this writ within his age.

Dures.

DVres, is where one is kept in prison or restrained from his libertie contrary to the order of the law, and if such a person so being in dures, make anie especialty or oblig. by reason of such imprisonment such a deed is void in the law, & in an action brought vpon such an especialty he may say that it was made by dures of imprisonment, but if a man be arrested vpon an action at the suite of another

another though the cause of the action bee not good nor true, if he make an obligation to a stranger being in prison by such arrest, yet it shall not be said by duress, but if hee make an obligation to him at whose suite hee was arrested to bee discharged of such imprisonment, then it shall be said duress, as it is said.

E.

180 Electione firme.

Electione firme, take for that in the title Gard.

181 Electment de garde.

Electment de garde, take for that in the Title of Gardes.

182 Eire Iustices.

Eire iustices, or Itinerat, as wee call them, were Justices that use to ryde fro place to place through out the Realme to administer Justice.

183 Elegit.

To holde by Elegit, is where a man hath recovered debt or damage by a writte against another by confession or in other manner, hee shall haue within the

vn auter mesque le cause del action ne soit bon ne voir, sil fait ascū obligation a vn estrange esteāt in prison per tiel arrest, vncore il ne serra dit per duress, mes sil fait obligation a luy a que suit il fuit arrest deste discharge de tiel imprisonment, donques il serra dit duress vē dicitur.

E.

Electione firme.

Electione firme, vide de ceo en le title, Gard.

Electment de garde.

Electment de garde, vide de ceo en le title Gardes.

Eire Iustices.

Eire Iustices, ou Itinerat, come nous appelle eux fueront Iustices que use de equitare de lieu at lieu per tout le Realme pur administer Justice.

Elegit.

Tener per Elegit, est lou home ad recouer det ou damage per briefe deuers vn auter per Conuallance ou en auter manner, il auera deins le

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an

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an deuers luy vn briefe iudiciall noſme Elegit dauer executiō del moi- tie de toutes ſes terres & chattels (exceptes beoſes & affers a ſa carues) tan- que le debt ou les dama- ges ſoient ouſtremēt le- ues ou paies a luy, & du- rant ceſt terme il eſt te- nant p' Elegit. Et nota ſil ſoit ouſte deins le terme al auera Aſiſe, de nouel diſ- ſeiſin, & apres vn rediſſeiſin ſi beſoigne ſoit, & ceſt done per le eſtatute de Weſtm. 2. cap. 18.

Et auxi per lequitie de meſme leſtatute celuy q̄ ad ſon eſtate, ſil ſoit ouſte auera aſiſe & rediſſeiſin ſi beſoigne ſoit. Et auxi ſil face ſes executors & de- ny, & ſes executors entrōt & puis ſoient ouſtes, ils aueront per lequitie de meſme leſtatute tiel acti- on come luy meſme ſuiſ- dit. Mes ſil ſoit ouſte, & puis fait ſes executors & deuy, ſes executors purrōt ent' & ſils ſoient eſtops de jour entre, ils aueront vn briefe de trespas ſur leur matter & caſe.

père againſt him a writte iudiciall called Elegit to haue execution of the halfe of all his landes and chat- tels (except oxen & beaſtes of the plow) till the debt & damages be whoip leui- ed and paid to him, and du- ring the terme he is tenant by Elegit, And note well that if he be put out with- in the terme he ſhall haue Aſiſe of Nouel diſſeiſin, & after a rediſſeiſin if nēde be, and this is giuen by the ſtatute of Weſtmunſter ſe- cond Chap. 18.

And alſo by the equitie of the ſame ſtatute he that hath his eſtate if he be put out ſhall haue Aſiſe & rediſſeiſin if nēd be. And al- ſo if he make his executors and die, and his executors enter and after be put out, they ſhall haue by the equi- tie of the ſame ſtatute, ſuch action as he himſelfe beſoze ſaid. But if he be put out, and after make his execu- tors and die, his executors may enter, and if they be ſtopped of their entrie, they ſhall haue a writ of tref- paſſe bypon their matter and caſe.

And

And note well if he doe waste in al the land or parcell, the other shall haue against him immediatly a writ iudicial out of the first record called Venire facias ad Computandum, by which it shall be inquired if hee haue leuied all the money or parcell, and if hee haue not leuied the money, then it shall be inquired to how much the waste amounteth, and if the waste amount but to parcell, then as much of the money as the waste amounteth vnto, shalbe abridged of the foresaid money which was to be leuied. But if he haue done more waste then the foresaid summe of money which was to be leuied, amounteth, the other shalbe discharged by and by of all the said money and shall recouer the lande. And for the superfluitie of the waste made about that, that amounteth to the said summe he shal recouer his dammages single, And the same lawe is of his executors, and also of him that hath his estate.

And note þ if he alien in

Et nota si face wast en tout la terre ou en parcell, l'auter auera enuers luy maintenant vn briefe iudicial hors de la premier recorde appelle Venire facias ad computandum, per force de quel serra inquisie si ad leuy tous les deniers ou parcell, & si nad leuy les deniers, donques serra inquisie a quant le wast amount, & si le wast amount sinon a parcell donques tât des deniers que le wast amount serra abridge de les suisdits deniers queux fueront estre leuies. Mes si ad fait plus wast que le auantdit summe dargent que fuit a estre leuy amount, l'auter serra discharge maintenant de tous les deniers suislits & recouera sa terre. Et pur la superfluitie de wast fait oustre ceo que amount a le dit summe, il recouera les damages single: & mesme le ley est de ses executors, & auxi de cestuy que ad son estate.

Et nota si alien en
K.ij. fee,

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fee, ou a terme de vie, ou en taile tout le terre ou parcell de la terre, que il tient per Elegit, si le alienation soit fait deins le terme ou apres, cestuy q ad droit auera vers luy un Ass. de nouel disl. Et couiēt que ils soient mise en l'assise ambideux, auxibis le alienee come le alienor, & non obstāt que l'alienor deue maintenant, vncore cestuy que ad droit aūa vers le alienee sole Assise, come sil vst estre son simple tenant a terme de ans. Et ceo est p lequitie del Statute de Westm. 2. cap. 25. pur ceo que il nad sinon chatel en effect: & mesme le ley est de ses executours, & de cestuy que ad son estate, come est suisdit.

Et nota que en Elegit si le vicont retourne que il auoit riens iour de la recognissance fait, mesque il purchase terre puis le temps, adonques le partie plaignte auera nouel briefe de auer execution de ceo: mesme le ley est deyn estatute Marchant.

fee, for terme of life or in taile or parcell of the lād which he holdeth by Elegit, if the alienation be made, within the terme or after, he which hath right, shall haue against him an Assise of Nouel disseisin. And they both must be put in the Assise, the alienor and the alienee, and notwithstanding that the alienor die presently, yet he which hath right, shall haue Assise against the alienee alone, as if the alienor had bin a plaine tenant for terme of years, and that is by the equitie of the statute of westm. 2. Cap. 25. for that that he hath not but a chattell in effect. And the same law is of his executours and of him which hath his estate as is aforesaid.

And note well that in Elegit if the shirif retourne that he had nothing the day of the Recognissance made but that he purchased lands after ̄ time then the partie plaignte shall haue a newe writ to haue execution thereof, the same law is of a statute marchant.

And

And note well that after a Fieri facias a mā may haue the Elegit, but not contrarie wise, for that the Elegit is of moze higher nature then the Fieri facias, And note well that if a man recouer by a writ of debt and suerth a Fieri facias, and the Shyrife returne that the defendāt hath nothing wherof he may satisfie the debt to the partie, the the plaintife shall haue Elegit or Capias sicut alias and a Pluries, And if the Shyrife returne at the Capias mitto vobis corpus, & he haue nothing wherof he may make satisfaction to the partie he shalbe sent to the prison of the sherte, and there shall abide vntill he haue made agreement with the partie, and if the Shyrife returne Non est inuentus, the there shall go forth an exigent against him. And note well y in a writ of debt brought against a Parson of holy Charch which hath nothing of lay fee, and the Shyrife returneth that hee hath nought by which hee may be summoned, then shall the playntife sue a writte

Et nota que apres le Fieri facias vn home poyt auer le Elegit, mes nouecontra, entaunt que le Elegit est de plus haut nature que le Fieri facias, Et nota que si home recouer per brieve de det & sue vn Fieri facias, & le vicount returne que le defendaunt nad ryens dont il poit faire gree a la partie, doques le plaintife anera vn Elegit, ou vn Capias sicut alias, & Pluries. Et si vicount returne a le Capias mitto vobis corpus, & il nad ryens dount il poit faire gree a la partie il serra maunde al gayle del Fleete, & illonques demurra ranque il ad fait gree al partie, & si le vicount returne Non est inuentus, adonques issera Lexigent enuers luy. Et nota que en brieve de dett port deuers person de Saint Elglise, que nad rien de lay fee, & le vicount returne que il nad ryens per que il poit estre summons, adonques suera le plaintife brieve

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al Euesque que il face vè-
ner son clerke, & Leues-
que luy ferra vener per
sequestration del Esglise.
Et nota que si home port
brief de dett & recouer,
& face ses executours &
deuie, ils naueront exe-
cution non obstant que
al soit deins lan per vn
Fieri facias.

184 Embrasour ou
Embraceour.

EMbrasour ou Embrac-
ceour, est celuy q̄ quāt
vn matē est en triall pen-
ter partie & party, viēt al
barre oue vn del parties
(aiant receiue asc' reward
pur ilsint fait) & parle en
le case, ou priuēnt labor
le iury ou stat la pur sur-
ueier ou suruiew eux p
cest means de mitter eux
en pauour & dout del
matē. Mes homes q̄ sont
erudite ē le ley, poiēt ple
en le cas pur lour clients.

185 Encroachment.

ENcrochmēt, est dit quāt
le seignior ad happa
seysin de pluis rent ou
seruices de son tenaunt
que de droit est due, ou
doet ēc pay ou fait a luy,

to the Bishop that he make
his Clerke to come, and the
Bishop shall make him to
come by sequestration of
the Church. And note wel
that if a man bzing a writ
of debt and reconer, and
make his executours & di-
eth, they shall not haue exe-
cution notwithstanding, y
it be within the peere, by a
Fieri facias.

Embrasour ou Em-
braceour.

EMbrasour or Embraceour
is he that whē a matter
is in triall betwene partie
and partie commeth to the
barre with one of y parties
(having receiued some re-
ward so to doe) & speaketh
in y case oz priuily labozeth
the iurie, oz standeth there
to suruey oz ouerlooke thē,
therby to put them in feare
& doubt of the matter. But
men that are learned in
the law, may speake in the
case for theire Clients.

Encroachment.

ENcrochmēt, is said whē
the Lorde hath gotten
seisin of moze rent oz ser-
uices of his tenant thē of
right is due oz ought to
be paid oz done vnto him,
as

as if the tenant holde his land of the Lord by fealtie, and ii.s. rent yearly. And now of late time hee hath got seisin of iii.s. rent of his lord of homage or escuage, or such like. Then this is called an incroachment of that rent or service.

186 Enheritance.

Enheritance, is such estate in landes or tenements, or other things, as may bee enherited by the heir, whether it be in estate of fee simple, or taile, by descent from any of his ancestors or by his own purchase.

And inheritance is divided into two sortes, that is to say, inheritance corporate, and inheritance incorporate.

Enheritance corporate are mesuages, lands, meadows, pastures, rents and such like, that haue substance in themselves and may continue alwayes. And these are called corporate things.

Enheritance incorporate are aduowsons, villaines, waies, commons, courts, fishings, & such like that are,

Come si le tenant tient sa terre de son S^r per fealtie & ii.s. rent annuelm^t, & ore de tradise temps le Seig^r ad happa seisin de 3.s. rent, ou de homage ou escuage ou tiels sembl^t, Donques c^e appel vn Encrochm^t de c^e r^et ou ser^t.

Enheritance.

Enheritance, est tiel estate en terres ou tenements, ou aut^s choses, qⁱ poient estre enheritee par le heire soit ceo de estate en fee simple ou taile par descent, de aucun de ses ancestors ou par son purchase demesme.

Et enheritance est deuisee en deux sorts, cest auoir, enheritance corpor^e & enheritance incorporat^e.

Enheritance corporate sont mesuages, terres, p^rees, pastures, rents, & tiels semblables, que ont substance en eux mesmes & poient continuer tout temps. Et ceux sont appel^s choses corporales.

Enheritance incorporate sont aduowsons, villaines, waies, commons, courts, piscaries, que sont

K.iiii. ou

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ou poient estre appendant
ou appartenant a enheri-
tances corporate.

167 Entre.

ENtre, est lou vn home
entra en ascun terr ou
tenements; en son proper
person ou auter per son
commandement.

Auxy sont diuers bres
dentre queux sont en di-
uers maners. Vn est brief
dentre sur disseisin, & cest
briefe gist lou home est
disseisin ou son heire la-
uant dit briefe auer vers
mesme le disseisor, ou as-
cun auter apres tenaunt
del tre. Et si le disseisor
alyen ou deuie seys, don-
ques le bfe de Entre serra
vers le heire ouesque ali-
ence en le per. cest adire,
en q le tenant non habet
ingressum nisi per tiel
nolmant le disseisor, que
luy auoit disseisin &c.

Et si le heire ou alienee
deuie seise, ou aliena al
auter, donques le briefe
serra en le Per & Cui,
cest adire, en que le te-
nant non habet ingres-
sum nisi per tiel nolmant
le heire ou le alienee del

or may bee appendant, or
appurtenant to enheritan-
ces corporate.

Entre.

ENtre, is wher a man en-
treth into any landes or
tenements in his proper
person, or any other by
commandement.

Also there bee diuers
kinds of Entre which be
in diuers maners. One is
a writte of Entre sur dis-
seisin, and this writte lieth
where a man is disseised,
hee or his heire shall haue
this writte against the dis-
seisor, or any other after
tenant of the lan. And if
the disseisor alien and die
seised then the writ of En-
tre shal be against the heire
with the alienee in the Per,
that is to say, in which the
tenaunt hath no Entre but
by such a one naming the
disseisor, which hath
disseised &c.

And if the heire or alie-
nee die seised, or alieneth
to another then the writte
shall be in the Per and Cui,
that is to say, into which
the tenaunt hath no entre
but by such a one naming
the heire or alienee of the
dis-

disseisor to whome such a one (nauing the disseisor) did lette it, which by force disseised him &c.

And if land bee conueid ouer to manue, or if the first disseisor bee disseised, then the wytte of Entre shall be in the Post, that is to say that the ternaunt both no entry but after the disseisin which the first disseisor made to the demandant or his auncestors. See after Entre en le per.

A Wit of Entre in the Per lyeth where a man is disseised of his freehold, and the Disseisor alieneth or dyeth seised, and his Heire entreth, then the disseisee or his heire shall haue the saide wytte against the Heire of the Disseisor, or against the alienee of the Disseisor, but liuing the disseisor hee may haue an Assise if he will, and the wytte of Entre shall say, in quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde eum iniuste disseisuit &c. But if the disseisor alien & the alienee dyeth seised, or alieneth ouer to

disseisor, cui tiel (nosmant le disseisor) il demisit, que luy per tort disseise &c.

Et si terre soit conuey ouster al plusors, ou si le primer disseisor soit disseisi, donqs le br de Entr ferra en le Post, cest adire, q le tenant non habet ingressum nisi post disseisinā quel le primer disseisor fait al demandant ou son aunccestor. Vide aps Entre en le Per.

Briefe de Entre en le Per gist lou home est disseise de son franktenement, & le disseisor alien ou deuie seise, & son heire entra, donques le disseisee ou son heire auera le dit briefe vers le heire le disseisor, ou vers le alienee l'disseisor, mes viuant le disseisor il poit auer Assise si il voile, & le briefe de Entre dirra, in quod A. non habet ingressum nisi per B. que illud ei dimisit, qui inde eum iniuste disseisuit &c. Mes si le disseisor alien, & le alienee deuie seisi, ou alien ouster a vn auter,

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auter, ou si le disseisor deuie, & son heire entra, & cely heir aliena ou deuie, & son heire entra, donqs le disseisee ou son heire auera brieve de Entre sur disseisin en le Per & Cui, Et le brief dira, in quod idem A. non habet ingressum nisi per B. cui C. illud ei dimisit, qui iniuste &c.

Et nota bien, que nul brieve de Entre en le Per & Cui serra maintenable vers nulluy, mes lou il que est tenant soit eins per purchase ou per discent: Mes si le alienation ou discent sont deuenus hors des degrees, sur quel nul brieve poit estre fait en le Per, ne en le Per & Cui, donques serra fait en le Post, & le brief dira, in quod A. non habet ingressum nisi post disseisinam, quam B. inde iniuste & sine iudicio fecit praef. N. vel M. proauo N. cuius haeres ipse est.

Auxy sont v. choses que mitont le brief de Entre hors des degrees cest a dire, Entrusion, Successio, disseisin sur dissei-

another, or if the disseisor die, and his heire enter, and that heire alieneth or dyeth, and his heire entreteth, then the disseisor or his heire shall haue a writ of Entre sur disseisin in the Per and Cui, And the writte shall say, in quod idem A. non habet ingressum nisi per B. cui C. illud ei dimisit, qui inde iniuste &c.

And note well, that no writte of Entre in the Per and Cui shall bee maintainable against none, but where he that is tenant bee in by purchase or discent: But if the alienation or discent bee put out of the degrees, vpon which no writ may bee made in the Per, nor in the Per and Cui, then it shall bee made in the Post, and the writte shall say, in quod A. non habet ingressum nisi post disseisinam, quam B. inde iniuste & sine iudicio fecit praef. N. vel M. proauo N. cuius haeres ipse est.

Also there are v. things which put the writ of Entre out of the degrees, that is to say, Entrusion, Successio, disseisin vpon dissei-

fin, Judgemēt, & Escheat.

1 Entrusion is when the disseisor dyeth seised, & an estranger abateth.

2 Disseisin vpon disseisin, is when the disseisor is disseised by another.

3 Succession, is where the disseisor is a man of religion, and dyeth, or is deposed, and his successor entereth.

4 Judgement is when one recovereth against the disseisour.

5 Escheat, is when the disseisor dyeth without heire, or doth felony where by hee is attainted, by which the lord entereth as in his Escheat.

In all those cases the disseisee or his heire shall not haue a writ of Entre within the degrees in the Per, but in the Post, for that that in those saide cases they are not in by descent nor by purchase.

Also there is a writ of entre Ad communem legē, and lyeth where tenant for terme of life, tenaunt for term of anothers life, tenant by s̄ curtesie, or tenant in dower alieneth and dyeth,

fin, Judgemēt, ou Escheat.

1 Entrusion est quant le disseisor deuie seisee, & vn estrange abata.

2 Disseisin sur disseisin est quant le disseisor est disseisee per vn autre.

3 Succession est ou le disseisor est vn home de Religion & deuie, ou est depose, & son successor entra.

4 Iudgemēt est quant vn recouer vers le disseisour.

5 Escheat est quant le disseisor deuie sans heire, ou fait felonie, per que il est attaint, per que le seignour entra come en son Escheat.

En tous ceux cases le disseisee ou son heire nauera brief de Entre deins les degrees en le Per, mes en le Post, pur ceo que en ceux dits cases ils ne sont eins per descent ne per purchase.

Auxy il y ad vn brief de Entre ad communem legem, & gist lou tenant a terme de vie, tenant a t̄m dauter vie, tenant per la curtesie, ou tenant en dower alien & deuie, donques

The Exposition of

donq; celuy en le reuerſiō auer le auārdit bñ deuers quecunq; q̄ ſoit eins aps en les dits tenemens.

Auxy brieſe de Entre in caſu prouiſo giſt, ſi tenant en dower alien en fee, ou pur terme de vie, ou pur auter vie; viuant le tenant en dower, celuy en le reuerſion auera le brieſe appel brieſe de Entre in caſu prouiſo.

Auxy bñ de Entre in caſu conſimili giſt, ſi tenant pur terme de vie, ou ē per la curtely alien en fee viuāt eux, celuy en le reuerſion auera vn brieſe appel brieſe de Entre in cōſimili caſu,

Auxy bñ de Entre ad terminum qui preterit giſt, ſi vn hom leſſa terres a vn aut pur terme dans, & le tenant tient ouſter ſon terme, dōques le leſſor auera bñ que eſt appel brieſe de Entre ad terminum qui preterit.

Et auxy ſi terres ſont leſſe a vn home pur term dauter vie, & ceſtuy pur que vie les terres ſount leſſes deuē, & le leſſee

euē he in the reuerſiō ſhal haue the ſoyeſaide wryt agaiñſt whomſoeuer is in aſter in y ſaid tenemens.

Alſo a wryt of Entre in caſu prouiſo lyeth, if tenant in dower alien in fee, or for terme of life, or for anothers life, luing the tenant in dower; hee in the reuerſion ſhall haue the wryt called a wryt of Entre in caſu prouiſo.

Alſo a wryt of Entre in caſu conſimili lyeth, if tenant for terme of life, or tenant by curtelys alien in fee luing them, he in the reuerſion ſhall haue a wrytte called a wrytte of Entre in caſu conſimili.

Alſo a wryt of Entre Ad terminum qui preterit lyeth, if a man leaſe lande to another for terme of yeares, and the tenaunt hold oner his terme, then the leſſor ſhall haue a wryt which is called a wryt of Entre Ad terminum qui preterit.

And alſo if lande be leaſed to a man for terme of anothers life, and hee for whole life the landes are leaſed byeth, and the leſſee holdys

holds ouer, then the lessor
shal haue this writ.

Also a writ of Entre sine assensu capituli lyeth, where an Abbot, Prior, or such as hath Couent or comon seale, alieneth lāds or tenements of the right of his Church, without the assent of the Couent or Chapter and dyeth, then his successour shall haue this writ.

Also a writ of Entre Causa matrimonii prelocuti lyeth, where landes or tenements are giuen to a man vpon such condition, that he shal take her to his wife within a certaine time, and he do not espouse her within the said terme, or espouse another womā, or make himselfe Priest, or enter in Religion, or him disable, so that he cannot take her according to the saide condition, then the donour and his heires shall haue the said writte against him or against whomsoever is in the said lande. And also it behooueth that this condition be made by Indenture, or otherwise this writte

tient ouster, donq; le lessor auera cest briefe.

Auxy briefe de Entre sine assensu capituli gist, lou vn Abbe, Prior, ou tel que ad Couent ou common seale, aliena terres ou tenements del droit de son Eglise, sans le assent del Couent ou Chapter & deuie, donq; son successour auera cest briefe.

Auxy b^r de Entre causa matrimonii prelocuti gist lou terres ou tenements sont done a vn home sur tel condition, que il prendra la donour a sa feme deins certain tēps, & il ne luy espousa deins la dit temps, ou espouse auter femme, ou luy fait Prestier, ou entra en religion, ou luy disable, isint q̄ il ne puit luy prendre accordant a la dit condition, donques le feme donour & ses heires auera le dit briefe vers luy ou vers quecunque est eins en le dit terre. Auxy il couient q̄ cest conditiō soit fait per Indenture, ou autrement cest briefe

ne

The Exposition of

ne gift, & tous ceux & auters briefes dentre poient este fait en le Per, Cui & post.

doth noth lye, and all these and other writs of entrie may be made in the Per, Cui, and post.

188 Entrusion.

ENtrusion, est vn briefe & gift lou tenant a terme de vie deuie seisie de certaine terres ou tenements, & vn estrange entra, celuy en la reuerfion auera le dit briefe vers labator, ou vers quecunque que soit eins aps lour entrusion. Auxi vn briefe de entrusion serra maintainable per le succesor dun Abbe vers labatour que entre ascun terres ou tenements tempore vacationis que appenta la Esglise per statute Marlebridge capitulo ultimo.

Entrusion.

ENtrusion, is a writ and it lyeth where a tenant for terme of lyfe dyeth seised of certaine lands or tenements, and a stranger entreth, hee in the reuerfion shall haue the saide writ against the abator, or against whosoever that is in after their entrusion. Also a writte of Entrusion shalbee maintainable by the successor of an Abbot against the abator which shall enter in any lands or tenements in the time of vacation that belongeth to the Church by the statute of Marlebridge, the last Chapter.

189 Equirie.

Equirie, est en deux maners, diuers moulte lun del autre, & sont de contrarie effectes, car lun abridge, diminish & tolle de le letter del ley, Le autre enlarge amplifie & adde a ce o.

Equirie.

Equirie, is in two sortes differing much the one from the other, and are of contrary effectes, for y one doth abridge, diminish and take fro y letter of the law, The other doeth enlarge, adde & amplifie therunto. The

The first is thus defined, Equitie is the correction of a lawe generally made in that part, wherein it faileth, which correction of the generall wordes, is much bled in our lawe. As if for example when an act of parliament is made that whosoever doeth such a thing, shalbe a felon, & shall suffer death, yet if a mad man, or an infant of yong yerres that hath no discretion do the same, they shall bee no felons nor suffer death therefore.

Also if a Statute were made that all persons that shall receiue or giue meate or drink, or other succor to any person that shall do such a thing, shall be accessory to his offence, and shall suffer death if they did knowe of the fact, yet notwithstanding one doeth such an acte, and commeth to his wife, who knowing thereof doeth receiue him & giues him meate and drink, shee shall not be accessory nor felon, for in the generality of the said wordes of the lawe, he that is mad, nor infant nor wife, were not

Le premier est issint definié, Equitas est correctio legis generatim latæ quæ parte deficit, le quel correctio, del generall parols, est moult vse en nostre ley. Sicome pur exemple, quant acte de parliament est fait, quecunq; que fait tiel acte serra felon, & serra mise al mort, vncore si home de non sane memorie, ou enfant de tender age que nad discretio le fait, ils ne seront felons, ne mise al morte.

Auxi si estatute fuit fait q̄ tous persons q̄ recetteront, ou doneront maunger ou boier, ou aut ayde a cestuy q̄ faira tiel acte, seront accessarie a son offence, & seront mise al mort si ils conuisteront del faîte, vncore lun fait tiel acte, & veigne a sa proper feme, que sciât ceo luy receiue & done manger & boier a luy, el ne serra accessary ne felon, car en le generaltie de les dits parols del ley, cestuy de non sane memorie, ne le enfant, ne le feme, fuerent

The Exposition of

include in intent.

Et ilsint equitie correct le generaltie del ley en ceux cases, & les parols generals sont per equitie abridge.

Lauter equitie est defini en tiel maner. Equitas est verborum legis directio efficiens, cum vna res solummodo legis cunctetur verbis, vt omnia alia in equali genere, eisdē caueantur verbis: & ilsint quant le parolx enacte vn chose, ils enactes toutes choses que sont en semblables degrees, sicome le statute que ordeigne que en action de debt vers executors, cestuy que vient per distresse respondera, extenda per equity al administrators, car cestuy de eux que vient primes per distres respondera per equitie del dist acte, Quia sunt in æquali genere.

Ilsint le statute de Gloucester donc le action de Waste, & le punishment de ceo vers cestuy que tient pur vie ou ans, & per les equitie de ceo

included in meaning.

And thus equitie doeth correct the generaltie of law in those cases, and the general wordes are by equitie abridged.

The other equitie is defined after this sort, Equitie is when the wordes of the law are effectually directed, and one thing onely provided by the wordes of the law to the ende that all things of like kinde may be provided by the same, & so when the wordes enact one thing they enact all other things that are of like degree, as the statute which ordernes that in an action of debt against executors, hee that doeth appeare by distresse shall answere, doeth extend by equitie to administrators, for such of them as doeth appeare first by distresse, shall answer by equitie of the said acte, because they are of like kind.

So likewise the statute of Gloucester gines the action of waste, and the painethereof against him that holdes for life or years, and by the equitie of the same,
a man

And if he arreste of him
that escaped were for fe-
lony, then that shal be felo-
ny in him that do suffer
escape, if for treason, then
it shal be treason in him, &
if for trespass, then trespass,
and so in al other.

Negligent escape is whe
one is arrested, and wher
escaped against the will of
him that doth so arrest him,
as not freely pursued &
taken before the prisoner
looketh the light of day,
this shal be said a neglig-
gent escape, notwithstanding
that hee out of whose
possession hee escaped doe
take him after hee lost sight
of him: If it be one be ar-
rested, and after escape, &
is at his libertie, and he in
whose ward he was, take
him afterward, and bring
him to the prison, & so is
an escape in him that was
arrested. If a felon be ar-
rested by the Constable, and
brought to the gaile in the
county, and the gaoler will
not receiue him, & the Con-
stable with him goes, and
the gaoler also, and so he es-
capeth, this is an escape in
the gaoler, for that in such

case

Et si l'arrest de cestuy
que escape fuit pur felo-
ny, ceo terra dit felony
en cestuy que luy lesta
de leaper, & si pur treason
il terra treason en luy, & si
pur un trespass, il terra tres-
pas, & sic de singulis.

Negligent escape est que
un est arreste, & puis escape
encontre le volent de ce-
stuy q luy arreste, & ne soit
freshment pursue, & re-
prise deuant que le pur-
sueur perda le vüe de luy,
ceo terra dit negligent
Escape, non obstant q ce-
stuy hors de q possession
il escape luy reprist apres
le veu perdu. Auxy si un
soit arreste, & puis escape
& est a son libertie, & re-
stuy en quel garde il fust
luy reprie apres, & luy at-
meure la prison, & soire
il est escape en luy.
Auxy si un felon soit
arrest per le Constable,
& amene a le gaile en le
county, & le gaier ne voit
luy receiuer & le consta-
ble luy demit, & le gaier
auxi, & ainsi il escape,
cest est un escape en le
gaier, pur ceo que en tel
L. ii. case

The Exposition of

case le gailier est tenu de
luy releuer par le main
le Constable sans aucun
precept de le iustices de
peace. Mais autrement est
si vn common person ar-
rest auter par suspition de
felony, la le gailier nest
tenu de luy releuer sans
precept de aucun des ius-
tices de peace. Il y ad vn
escap auxi sans arrest, cō-
si murder soit fait en le
iour, & le murderer ne soit
prise, il qd il est escap pur
q le iur ou le murderer tux
fait soit amercie. *Escheat*
194. *Escheat*. *Escheat* is
Escheat, est lou vn tenā-
en fee simple face felo-
nie pur q il est pendu, ou
abinte le Realme, ou vi-
lage de felony, murder,
ou petit treason, ou si le
tenant morist sans heire
general ou special donq;
le Sū de q le terre est tes-
nus p le tenant poit enter
per voy de escheat, ou si
auc home en le Seign a-
nera vers luy un bñ appell
bñ de Escheat, quel come
semble est deriue del pa-
roll francoys Eschier. 2.3

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11.1

case the gailor is bound to
receiue him by the hand of
the Constable without a-
ny precept of the Iustices
of peace. But other wise it
is if a comon person arrest
another upon suspition of
felony, there the gailor is
not bound to receiue him,
without a precept of some
Justice of peace. There is
an escape also without ar-
rest as if murder be made
in the day, & the murderer
be not taken, then this is an
escape, for the which the
tosome where the murder
was don shal be amercied. *Escheat*
194. *Escheat*. *Escheat* is
Escheat, is where a tenā-
in fee simple doth felony
for the which he is hanged
or abured the realm, or be-
outlawed of felony, murder,
or petit treason, or if
the tenant dyeth without
heire general or especial,
then the Lord of somone
the tenant held the lande,
may enter by voy of Es-
cheat, or if any other enter,
the Lord shal haue againt
him one writ called a writ
of Escheat, which as I
thinke is deriued of the
french word Eschier. 2.3

Esuaga

195 Escuage.

Escuage, is called in latin Scutagium, that is to say service of the shield, and he that holdeth by escuage, holdeth by knights service, and to that belongeth ward, marriage and relief, but that shalbee entended of escuage not certeine, when the Escuage runneth through Englande, when it is ordeined by al counsell of Englande that after the warre, euery lord shall haue a certain summe of his tenant which was not in the said warre. But if the tenat which holdeth of any Lord by escuage, be to the king in his warres in Scotland, & his Lorde will distraine him for Escuage, it shalbe a good ptee to say, that hec was with the king in Scotland in his warres & that shalbee tried by 4 kings Marshal.

And note wel that a man may not holde by escuage, vnlesse he hold by homage, for that Escuage of common right draweth to him homage, as it was iudged in Term H. 21. Edw. 3. cap. 42. folio. 52. Auowrie 115.

Escuage.

Escuage, est appel en latin Scutagium, test adire, seruitium scuti, & cesty que tient per escuage, tiert p service de chevalier, & a ceo appet gard mariage & relief, mes ceo serra entend de escuage non certeine quant l'escuage courge p tout Engleterre, quant est ordeigne p tout le counsell D'engleterre que aps les guerres chescun Seignior auera certain summe de son tenant que ne fait en le dit guer. Mes si le tenant que tient d'aucun Seign p Escuage soit oue le roy en ses guerres in Escosse, & le seign voit distraire luy pur Escuage il serra bon ple adire que il soit oue le roy in Escosse en le guer, & ceo serra tie p le Marshal le Roy.

Et nota bu q home ne poit tener p escuage sino q'il teign p homage pur ceo q escuage de Common droit tredit a luy homage come il fuit. Iudge in Term H. 21. E. 3. ca. 42. folio. 52. Auowrie 115.

L.iii.

&

The Exposition of

& nota que Eſcuage eſt
vn certaine ſomme de ar-
gent, & doit eſtre leuy p
le Seign de les tenars lo-
longue le quantity de ſon
tenure quant le Eſcuage
courage p tout Englee, &
ordein e per tout le cou-
ſel denglee quant cheſ-
cun tenant donera a ſon
ſeignior, & ceo eſt pper-
tint pur ſuſteiner la guer-
parent Engl', & ceux de
Eſcoſe, ou de Gales & nō
p perent auters eres, pur
ceo que les auardit terres
ſeront de droit appen-
dant a la roialme Dengl'.
Vide Lit. lib. 2. cap. 3.

194 Esplees.

Eſplees, eſt ſieſe le ſei-
ſin, ou poſſeſſion dun
choſe profit ou commo-
ditie que eſt a prender,
come dun common les
Esplees, eſt le prender del
graffe ou common per
les bouches de les beaſts
que common la : dun
aduowſon, de prender
de groſſe dūmes per le
perſon preſent, de boys, le
vender de boys, dun or-
chard, le veder de poines
ou aucts fruits greſſats la.

and note well that Eſ-
cuage is a certaine ſumme
of money, and it ought to be
leued by the Lord of his
tenant after the quantity of
his tenure when Eſcuage
runneth through all Eng-
land. And it is ordeined by
all the Council of England
how much euerie tenant
ſhall giue to his Lord, and
that is properly to main-
taine the warres betwene
England & them of Scot-
land, or of Wales, and not
betwene other lādes for
that thoſe ſoreſaid landes
ſhould be of right belōging
to the realme of England.
See Lit. lib. 2. chap. 3.

Esplees.

Eſplees, is as it were
the ſeiſin or poſſeſſion of
a thing, profit, or commo-
ditie that is to be taken. As
of a common the Esplees
is the taking of the graffe
or common by the mouthes
of the beaſts that common
there. Of an aduowſon the
taking of groſſe tithe by
the parſon preſented there-
unto. Of wood, the ſel-
ling of wood, of an orchard
the ſelling of apples and o-
ther fruit growing there,
of

of a mill, the taking of toll, to the *Esplees* and of such like. And note that in a writte of right of land, or aduowson of such like the demandant ought to allege in his count, that he or his ancestors took the *Esplees* of the thing in demand, or other wise the pleading is not good.

Essoine. *Essoine*, is where an actio is brought & the plaintiff or defendant may not well appeare at the day in court for one of the causes under expresse, the he shalbe *essoined* to take his default, note well, there be thre maner of *essoins*, that is to say, *Essoine de ouster le mere*, & that is the defendant shall haue a day by *relouies*. The second *Essoin* is *De terra sancta*, and by this the defendant shall haue a day by a *piere* and a day, where two iours shall be laid out by beginning of the *plea*. The third *Essoin* is *De male vener*, & that shalbe adioyned to a common day in the action requiered and this is called the common *Essoin*, and when and

dun *molin* le prise de toll est le *esplees* & de riels semblables. Et nota q en brieve de droit de terre, ou aduowson ou riels semblables, le demandant doit allegier en son count, que il ou ses ancestours prise les *esplees* de chose en demand, ou autrement le count nest bon.

Essoine. *Essoine*, est ou vn actio

est port, & le plaintiff ou defendaut ne poit bien apparear al iour in court pur vn de v. causes desouth expresse, donc que il sera *Essoin* de sauuer son default. Nota que sont v. maners de *Essoins*, cest adire *Essoin* de ouster le mere; & ceo est le *def.* auera iour per xl. iours, Le seconde *essoin* de *terra sancta*, & sur ceo le *def.* auera iour per vn an & vi iours; & ces deux seront gift a commencement de *plee*; Le tierce *Essoine* est de *male vener*, & ceo sera adioime a commun iour come laction requiere, & appel le commun *Essoin* & quant, & L. iij. comment

The Exposition of

comment cest Effoin terra,
vide les Statutes & liuer
de Abridgment de Statutes
lou, il est bien declare. Auxi
le iij. Effoin De malo le-
cti, & ceo est solement en
brieft de droit, & sur ceo
issera bien hors de Chaun-
cerie direct al vicoit que
il mande iiii. Chivalers
al tenant de veier le teint,
& sil soit malade, de don-
ner a luy iour apres vn an
& vn iour. Auxi le v. Ef-
foin, est de serunce le roy,
& gist en tous actions
forsique en Aulse de No-
uel disseisin, bien de Dower,
Darrein presentment, &
in appel de Murder, mes
en cest effoin il couient
al iour de monstre son
garrant ou autrement il
tornera a vi. default, sil
soit en plee real, ou au-
ment il perdra xx. s. pur
le journey ou plus, p le
discretion del iustice, sil
loit en plee personell, vt
paiter per le statute de
Gloucester. cap. 8.

196. Estoppel.

Estoppel est quant vn est
conclude & denie en
ley de parler encounter.

how this Effoin shall be,
looke the statutes and the
Abridgment of Statutes,
where it is well declared,
And the 4. Effoine is De
malo lecti, and that is ones
ly in a writ of right, & then
upon there shall a writ goe
out of the Chaucerrie, di-
rect to the Shirife, that he
shall send iij. Knights to
the tenant to see the tenat,
and if he be sicke to giue a
day after a yere and a day.
Also, the fift Effoine is
de serunce le Roy, and it tis
eth in all actions except in
Writ of Nouel disseisin,
a writ of Dower, Darrein
presentment, and in appeal
of Murder, but in this
effoine it behoueth at the
day to shewe his warrant
or else it shall tozue into a
default, if it bee in a plee
real, or els he shall lose xx.
shillings for the journey
or more, by the discretion
of the Justice, if it be in a
plee personall, as it appea-
reth by the statute of Glou-
cester. cap. 8.

Estoppel.

Estoppel is when one is
concluded and forbiddē
in lawe to speake against
his

his owne act or dectee, pea
although it bee to say the
truth.

And of Estoppels there
are a great manie, one for
example is, When T. S.
is bound in an obligation
by the name of T. S. or a
ny other name, and is sued
afterward according to the
name in the obligation,
that is to say T. S. now
he shall not bee received to
say, that he is misnamed,
but shalbe drinen to an
swere according to the
name put in the obligati
on, that is to say, T. S.
for peradventure the obli
gor did not knowe his
name, but by the report of
the obligor himselfe; and
in asmuch as he is & some
man that was bound, he
shalbe stopp'd and forbid
den in lawe to say contra
rie to his owne deede, for
otherwise hee might take
aduantage of his owne
swonge, which the lawe
will not suffer a man to
doe.

Also if the daughter & is
an heire to her father. Will
she liue with her sister
& is a bastard she shall not

son act ou fait demesne,
nient obstant il soit pur
dire le verite.

Et de estoppels il y ad
vn grand nuber, vn put
example est, quant I. S.
est oblige en vn obliga
tion per le nomme de T.
S. ou aucun autre nomme,
& est sue apres accordant
al mesme le nomme mis
en lobligation, cest adire
T. S. ore il ne ferra re
ceiue adire que il est mis
nomme, mes ferra chasc a
respod' accordat al nomme
mis en lobligation, cest
adire T. S. car padventure
loblige ne scauoit pas
son nomme, mes de le re
port tantolent del obli
gor mesme, & entant que
il est mesme le home
que fuit oblige, il ferra
estoppe & denie en ley
pur adire le contrary en
conter son fait demesne,
car auterment il poit preder
aduantage de son tort de
mesme, le ql le ley ne voit
suffrir vn home de faire.

Auxy si le file que est
heire a son pere voit suer
liuerie oue & soer que est
vn bastard, el ne ferra
apres

The Exposition of

apres receiue pur dire q
la soer est yn bastard, en-
tant que si la bastard soer
prist le moitie del terre
oue luy, il nad remedie
per le ley.

Auxy q vn home seisie
de terre en fee simple voit
prendre vn lease pur ans
de meisme le terre de vn
estranger per fait endent
cest vn estoppel durant le
terme de ans; & le lessee
est per ceo barre adire le
veritie, car le veritie est,
que il q lessa la terre nad
riens en ceo al temps del
lease fait, & q le fee sim-
ple fuit en luy que prist
le lease: Mes ceo il ne ser-
ra receyue adire tanque
apres les ans serra deter-
mine, pur ceo q il appiert
que il ad estare pur ans, &
il fuit son folie de pren-
der vn lease de ses terres
demelue, & pur ceo serra
issint punie pur son folie.

127 Estrangers.

Estrangers sont alcun
soits prile ils, q ne sont
parties ne praiues al fine
leuie, ou felans de vn fait,
alcu soits ils que sont nec-
ouster de roere.

afterwarde be receined: to
say that her sister is a bas-
tard, in somuch that if her
bastard sister take haife the
land with her, there is no
remedy by the law.

Also if a man seised of
lān in fee simple wil take
a lease for yeres of the same
land of a stranger by dede
indented, this is an estop-
pel during the terme of
yeres, & the lessee is there-
by barred: to say the truth,
for the truth is, that he
that leased the lān had no-
thing in it at the time of
lease made, and that the fee
simple was in him that did
take the lease: But this
he shall not be receyued to
say till after the yeres are
determined, because it ap-
peareth that he hath an
estate for yeres, and it was
his follie to take a lease of
his owne lands, and there-
fore shall thus be punished
for his follie.

128 Estrangers.

Estrangers are sometimes
take they are not par-
ties or priues to the making
of a fine, or making of a
dede, sometimes they shall
be houghe beyond the fine.

128 Estray,

198 Estray.

EStray, is wher any best
of cattel is in any Lord
shippe, and none knoweth
the owner thereof. then it
shall bee seised to the use of
the Kinge, or of the Lord
that hath such Estray by
the Kinges graunt, or by
prescription: And if the
owner come & claime there-
to within a yere and a day,
then he shal haue it againe;
or else after the peere the
propertie thereof shall bee
to the Lord; so that the
Lord make proclamation
thereof according to the
lawe.

199 Estrepment.

Estrepment, is a writ, and
it lieth where one is im-
pleaded by a Brece quod
reddat, for certaine lande,
if the demandant suppose
that the tenant will doe
waste hanging the plee, he
shall haue against him this
writte which is a prohibi-
tion: commanding him
that he doe no waste hang-
ing the plee.

And this lyeth proper-
lie where a man demaun-
deth landes by Formedon,
or writte of Right, or such

Estray.

EStray, est lou aucun
best ou cattell est en
aucun seignorie; & nul
conust le owner de ceo,
donques il serra seisie al
oeps le Roy, ou de le
seignior que ad tiel es-
tray per graunt le Roy
ou per prescription, &
si le owner vient & faire
claime a ceo deins an &
iour, donques il le reauce-
ra, ou auterment aps le an
le propertie de ceo serra
al Seignior; Mais que
le Seignior face procla-
mation de ceo accordant
a le ley.

Estrepment.

Estrepment est vn brief,
& gist lou vn est im-
plede per vn Brece q
reddat pur certain terre, si
le demandâr suppose que
le tenant voile faire wast
pendant le plee, il auera
vers luy cest briefe q est
vn prohibition, luy com-
mandant q il ne face wast
pendant le plee.

Et cest briefe gist pro-
perment loun home de-
mandêre per Formedon,
ou brief de droit, ou tiels
briefes

The Exposition of

briefes lou il ne recouer
damage, car ē tiels briefs
lou al recouera dama-
ges, il auera ses dama-
ges, ayant regard al wast
fait.

200. **Eate probanda.**

ETate probanda, est vn
b^r doffice, & gⁱst pur le
heir le tenant qⁱ tient del
Roy in capite, pur prouer
qⁱ il ē de plein age, direct
al Vicour pur enquier de
son age, & donques il de-
uendra tenant al Roy
per mesme les seruites qⁱ
son ancestor fist al Roy:
Mes il est dit, qⁱ chescun qⁱ
passera en cest enquest
serra del age de xlii. ans
al meins issint que il fuit
de pleine age al temps
quant cestuy que suist le
briefe fuit nec.

201. **Excommenge-
ment.**

Excommengement, est
adire ē Latin Excom-
unicatio, & est lou yn hōe
per la iudgⁱnt en Court
christian est excommenge,
donqs al est disable de
fuer aucun actiō en court
le Roy, & sil remaine ex-
commenge xl. iours, &

wuts where hee shall not
recouer damages, for in
such wuts where hee shall
reouer damages, hee shall
haue his damages, having
regard to the wast done.

Eate probanda.

ETate probanda, is a writ
of office, and it lieth for
the Heire of the tenant
that helde of the King in
chefe, for to proue that he
is of full age, directed to
the Shurife to enquire of
his age, and then hee shall
become tenant to the King
by the same seruites that
his ancestors made to the
King: But it is said that
every one that shal passe in
this enquest shall be of the
age of xlii. yeres at least, so
that he was of full age whē
he that sueth the writ was
borne.

**Excommenge-
ment.**

Excommengement, is to
say in Latin Excommu-
nicatio, and it is where a
man in Courte Christian
is excommenged, then hee
is disabled to sue any ac-
tion in the Kings Court,
and if he remaine excom-
municate xl. dayes, and
will

shall not bee iustified by his
Ordinarie, then the Bi-
shop shall sende his Letter
patent to the Chauncelour
to certifie this Excommuni-
cation or contempt, and
thereupon it shall be com-
manded to the Shire to
take the bodie of him that
is accursed by a writt called
He excommunicato capiendo,
fall hee hath made agree-
ment to holie Church, for
the contempt and wrong,
and whē he is iustified and
hath made agreement, the
the Bishop shall sende his
letters to the King certifi-
ing the same, and then it
shall be commanded to the
Shire to deliuer him by a
writte called Excommuni-
to deliberando. *Deq. p. 111.*
202. *et 101.* Exchange.

Exchange, is where a
man is seised of certaine
lands, and another man is
seised of other land, if they
by a deed indent, or with-
out deed, if the lands be in
one countie, exchange their
lands so that euery of them
shall haue others lands to
him so exchanged, in fee,
fee taile, or for terme of life,
that is called an exchange,

ne voilē esté iustifié per
son Ordinarie, (donques
le Euesque mandera son
letter al Chauncelour de
certifier le excommuni-
cation ou contempt, &
sur ceo serra command
al Vicount de prendre le
corps lexcommenge per
vn brieve. appel Excom-
municato capiendo, iusq;
il ad fait gree al saint. El-
glise, pur le contempt &
torte, & quant il est ius-
tifié, & ad fait gree don-
que leuesque maunde la
la letter al Roy, certifi-
ant ceo; & donques ser-
ra maunde al viscount de
luy deliuer per vn brieve
appel Excommunicato de-
liberando. *et 101.* *et 101.*
Exchange.

Exchange, est l'ou vn
hōe est seisi de certein
terre, & vn autre homē est
seisi de autre t're, si ils p
vn fait endent, ou sans fait
si le terres sont ē vn cou-
ntie, exchange. l'our terres
issint que chescun de eux
auera auters terres, a luy
issint exchange en fee, en
fee taile, ou a t'me de vie
ceo est appel vn exchange.

tor

est bone sans liuery & seisin.

Auxy un exchange il couient que les estates a eux limitee par l'exchange sont egalles, car si vn ad estate en fee in la terre, & l'autre ad estate in au' fre forsq; par terme de vie, ou en taile, donques tiel exchange est voide, mes si les estates sont egalles, & les terres ne sont de egal value, incore l'exchange est bone. Auxy un exchange de rent par terre est bone. Auxy exchange inier rent & common est bone, & ceo couient estre p fait. Auxy il couient tous soirs q' cest parol: exchag' soit in le fait ou l'auterint rien passa per le fait sinon q'il aiet liuery & seisin.

203. Execution.

Execution est l'ordg. ment est donnee a aucun action que le plainif recouera la terre, le det. ou damages, come le case est, q'nt aucun brief est a garde de luy mettre en possession, ceo est appel le writ of execution, & quant il est en possession de la

and is good without liuery or seisin.

Also in exchange it behoueth that the estates to them limited by the exchange be equal for if one hath an estate in fee in his land, and the other hath estate in the other lande but for terme of life, or in taile, then such exchange is void, but if the estates be equal, and the landes be not of equal value, yet the exchange is good. Also an exchange of rent for land is good. Also an exchange between rent and common is good, and that ought to be by deed. Also it behoueth alway, that this writ of exchange be in the deed, or els nothing passeth by the deed except that he haue liuery and seisin.

204. Executio.

Execution is wher iudg. ment is giuen in any action that the plaintif shall recouer the lande, debt or damages, as the case is, & when any writte is adward to put him in possession, that is called a writ of execution, and when he hath the possession of the land

land, or is paid of the debt
or damages, or hath the
body of the defendant a-
warded to prison, when he
hath execution, and if the
plea be in the Countie, or
Court Baron, or hundred
and they deferre the execu-
tion of the iudgement in
favour of the party, or for
other cause, then the de-
mandant shal have a writt of
Executione iudicii. Note
that in a writt of debt, a
man shall not have recone-
ite of any lands, but of the
which the defendant hath
day of iudgement paid. And
of cattels: a man shall
have execution onely of the
cattels, which he hath day
of the execution sued: as fol-
loweth. **Executor:** is he that
is called executor, is when a man
maketh his testament &
last will, and therein ma-
neth the person that shall
execute his testament, & he
that is so named is his
executor, and in as much as
in the civil law, (heres de-
signatus or testamentarius)
as to debts, goods & cattels
of his testator, and such an
executor, shal have an ac-
tion against every deb-

terre, ou est pay de det ou
damages, ou ad le corps
le defendeur agat al pri-
son, donques il ad execu-
cion, & si le ple. soit en
County, ou Court Baron,
ou hundred, & ils alienor
le execution del iudge-
ment in favour de party
ou per autre encheison,
donque le demandant a-
vera brief de Executione
iudicii. Note q en brief
de det, hōe n'aura recoi-
very de nul terre, mes de
ceux que le defendeur a-
voit iour de iudgment ren-
du. Et de chateux home
aura execution solēment
des chateux, & si il avoit
iour de execution sue. IV
Le **Executor** est celui
qui fait son testament &
darrière volonté, & en cō-
nomme la person que exe-
cutera son testament, donq
celuy que est ainsi nom-
mé est son executor, & est a-
tant come en le civil ley
(heres designatus vel te-
stamentarius) cōe al debts,
biens & chattels son te-
stator, & tel executor a-
ura actio vers chescū deb-
tor

tor de son testator, & si
 lexeutors ad assers, ches-
 cun a q le testator fuit in
 debt, auera action vers
 lexeutors si ad obliga-
 tion ou specialtie, mes
 in chescun case ou le re-
 stator puisse gager son
 ley, qual action gult vers
 exccutors. Vadez plus de
 ceo deuant titule Admi-
 nistrators. et si l'ordres
 n'est en Exigent. Nichil
 Exigent, est un briefe, &
 obligit l'ou homme sub acti-
 on psonel, & de defendre
 ne puit se troyre ne ad rics
 deus le countie, p que il
 pnt se attache ne distrein
 donq's cest briefe iussera al
 Viscount de faire procla-
 mation al viscountes ches-
 cun apres luy que il ap-
 peure ou autrement que
 eserra yllage. & si soit
 yllage, dooques tous ses
 biens & chateaux sont for-
 faites al Roy. Auxy en vn
 enditement de felony le
 exigent alera apres le
 primer capias. Et auxy
 en capias ad computan-
 dum ou ad satisfaciendu,
 & en chescun capias que
 il silt apres iudgement

tor of his testator, and if
 the exccutors haue assers,
 eueryone to whom y testa-
 tor was in debt, shall haue
 an action against the exe-
 cutor, if he haue an obliga-
 tion, or specialtie. but in e-
 uery case, wher the testator
 might haue his ley, none
 shal act against y exccutors.
 And more therof be saide in
 the title Administrators.
 And if the order be not in
 Exigent, Nichil
 Exigent, is a writ & writte
 wher a man sueth
 an action personal, and the
 defendant cannot be forsed
 nor paye nothing. And the
 writte wher by he may be
 attached, nor distrained,
 then this writte shall goe
 forth to the shiriffe to make
 proclamation at countie
 enery one after another, &
 he appereth or else that he
 shal be attach'd: And if he
 be distrain'd, then all his
 goods and chatels be forsd
 to the King. And in an im-
 dement of felony, the
 Exigent shall goe forth af-
 ter the first Capias: And
 also in a Capias ad compu-
 randu, or ad satisfaciendu
 And in euery Capias that
 goeth forth after iudgment
 the

the exigēt shal goe forth after the first Capias. And also in appeale of death, but not in appeale of robbery or appeale of maim.

206 Ex parte talis.

Ex parte talis, Look therefoze befoze in the title, Accompt.

207 Ex graui querela.

Ex graui querela, Looke therefore befoze in the title Deuife.

208 Extinguishment.

Extinguishment, is where any Lord, or any other, hath ante rente or seruice going out of any land and hee purchaseth the same lande, so that he hath such estate in the lande as hee hath in the rent, then the rente is extincte, for that one may not haue rent going out of his owne lande. Also when any rente shall be extinct, it behoueth that the land and the rent be in one hand, and also that the estate ∇ he hath bee not defensible: & also ∇ hee haue as good estate in the lande as in the rent, for if he haue estate in the lande but for terme of life or yeeres, and hath fee simple in the rent,

lexigent issera apres le primer Capias. Et auxy en appeal de mort, mes nemy en appel de robbery ou appel de maim.

Ex parte talis.

EX parte talis, Vide de ceo deuant titulo Accompt.

Ex graui querela.

EX graui querela, Vide de ceo deuant titulo Deuife.

Extinguishment.

EXtinguishment, est lou' aucun seign, ou asc' au' ad aucun rent ou seruice issant d'aucun terre, & il purchase mesme la terre, issint que il ad tiel estate en la terre, come il auoyt en le rent, donqs le rent est extincte, pur ceo que vn ne puit auer rent issant hors de son t're demesne. Auxy qnt aucun rent serra extient, il couient que le terre & le rent sont en vn maine, & auxi q' lestate q' il ad ne soit defesibl': & auxi q' il ad auxi bō estat e le t're cōe en le rent, car sil ad estat en le t're forsq' pur t'me de vie ou dās, & ad vn fee simpl' en le rēt

M.i.

don.

The Exposition of

doncs le rē nest extinct,
mes le rent est en suspence
pur cel temps, & donq; a-
pres le terme le rent est
reuiue. Auxi si soit Seig-
nour, melne & tenant, &
le seignior purchale la
tenancie, donque le me-
nalue est extinct, mes le
mesme aūa le surplusage
del rē, si aſc soit cōe rent
ſecke. Auxi si hōe ad chy-
min appendant & puis
purchale le terre en q le
chymin est, donques le
chymin est extinct, & auxi
est de vn comen append'.

309 Extortion.

EXtortion, est vn tort
fait p yn officer, Ordina-
rie, Archdeac, Oficial,
Maior, Bailife, Vicount,
Escheator, Southuicount,
Coroner, gailer ou auter
officer, Colore officij sui
en prendrās excessiue re-
ward ou fee, pur execu-
tion de son dit office, ou
auterint, & nest aūc chose
in fait, que plaine robbe-
rie, mes plus odible que
robberie, car robberie est
apparaunt, & rout temps
ad one luy le counte-
nance de vice, mes extor-

then the rent is not extinct,
but the rent is in suspense
for that tyme, and then af-
ter the terme, the rent is
reuiued. And if there bee
Lord, melne and tenant,
and the Lord purchale the
tenancy, then the manalme
is extinct, but the melne
shall haue the surplusage
of the rent, if there become,
as rente ſecke. Also if a
man haue a hie way ap-
pendant, and after pur-
chale the land wherein the
hie way is, then the way is
extinct: and so it is of a co-
men appendant.

Extortion.

Extortio, is a wrong done
by an officer, Ordinary,
Archdeacon, Official, Maior,
Bailife, Sherrif, Esche-
tor, Coroner, Underſherif,
gailer or other Officer, by
colour of his Office, in ta-
king excessive rewards or
fee, for execution of his
said Office or otherwise,
and is no other thing in
deede then plaine robbery,
or rather more obious then
robberie, for robbery is
apparaunt, and alwayes
hath with it the counte-
nance of vice, but extor-
tion

then being as great a vice
as robbery is, caried in
it a countenance of vertue:
By means wherof it is the
more hard to bee tried, or
discerned, and therefore the
more odious, and yet some
there be that will not sturke
to stretch their office, credit
and conscience, to purchace
money as well by extortion
as otherwise according to
the saying of the Poet Vir-
gil, what is that that hun-
ger sweete of gold doth not
constraine man mortall to
attempre?

tion esteant cy haut vice,
come robbery est port
oue luy un countenance de
vertue, per raison de quel
il le plus dure destre-
ie; ou discerne, & pur ceo le
plus odibile, & vncore al-
cuns il y ad que ne valiet
demurrer, mes stretch leur
office, credite, & consci-
ence pur purchaler mo-
ney, cibien per extortion,
come auterment, accord-
dant al disans de le Poet
Virgil, *Quid non mor-
talia pectora cogit, au-
ri sacra fames?*

F.

1. To Failure of Record.

FAiling of Record, is whe
an action is brought a-
gainst one and the defen-
dant pleaseth any matter
is of record in another sort,
and both agree to proue it
by Record. And the plai-
ntiff saith there is no such
Record, wherupon the
defendant hath day given
him to bring in the record,
at which day he faileth, or
bringeth in sued a one, as
is no barre to this action,
then he is said to faile of
his Record, and thereupon

F.

Failer de Record.

FAiler de Recorde, est
qnt vn action est porte
enuers vn, & le defendant
plede aucun matter de
Record en auter sort &
aũ de ceo pue p le Re-
cord. Et le pl' dit nul tiel
Record, sur que le def. ad
iour dõc a luy, pur amef-
ner eins le Recorde, a
quel iour il faile, ou a-
meine eyns vn tiel que
nest barre al cest action,
donques il est dit de fai-
ler de record. & sur ceo

M u.

ls

The Exposition of

le plaintiffe auera iudgement de recouer & c.
Fait. **F**ait est vn escrip en tal & deliuer a prouer & restifie de le agreement del partie quel fait il est, al chose containe en le fait. Come vn faite de feoffment est vn proue del liuerie de seysin, car le terre passa per le liuerie de seysin, mes quant le faire & le liuerie est ioynt ensemble cest vn proue del liuerie, & que le feoffour est content que le feoffee auera le terre. Et nota que tous faites sont ou indent, de quel y sont deux, troys, ou plusors parties, come le case require, de que le feoffour, grauntour, ou lessour ad vn, le feoffee, grauntee, ou lessee, vn auter, Et peradventure afeun auter person auxy, vn auter &c. Ou auterment ils sont faites poll, ou single & forsque vn, le quel le feoffee, grauntor, ou lessee, ad &c. Et chescun fait consist de trois

the plaintiffe shall haue indgement to recouer ec.
Deede. **D**eede is a writing sealed and deliuered to proue and restifie of the agreement of parties whose deede it is, to the thing contained in the deede, as a deede of feoffment is a proue of the liuerie of seysin, for the land passeth by the liuerie of seysin, but when the deede and the deliuerie are ioined together that is a proue of the liuerie, and that the feoffour is contented, that the feoffee shall haue the lande. And note that all deedes are either indented, wherof there be two, thre, or more parties, as the case requireth, of which the feoffour, grauntor, or lessour hath one, the feoffee, grauntee, or lessee another. And peradventure some other partie also another &c. or else they are poll Deedes or single, and but one, which the feoffee, grauntor, or lessee hath &c. And euery Deede consisteth of three
 princi

principall pointes, (and if these three be not ioyne together, it is no perfect deed to binde the parties) namely, writing, sealing, and delivery.

The first point is writing, whereby is shewed the parties names to the Deede, their dwelling places, their degrees, the thing granted, vpon what considerations, the estate limited, the time when it was granted, and whether simply, or vpon condition with other such like circumstances. But whether the parties vnto the Deede, write in the ende their owne names, or set to their markes (as it is commonly vsed) it maketh no matter at all. (as I thinke) for that it is not meant where it is said, that euery deede ought to haue writing.

The second point is sealing, which is a further testimony of their consents to that contained in the deede, as it appeareth by these wordes. In witness whereof &c. or to such effect alwayes put in the

principall choses (& s'ils trois ne sont ioyne ensemble, il n'est perfect fait de lier les parties) nosint, escripture, sigillation, & deliuerie.

Le primer point est escripture, par que est declare les nosmes del parties al fait, leur habitation, leur degrees, le chose graunt, sur queux considerations, l'estate limit, le temps quant il suit graunt, & si simplement, ou sur condition, ou autres tiels semblables circonstances. Mes si les parties al fait, escript en le fine leur nosmes demesme, ou mise a ceo leur marks (come il est communement vse) il ne fait ascū matē (cōe ieo suppose) car ceo n'est entende, ou il est dit, que chescun faire couiēt de auer escripture.

Le second point est sigillation, que est plus testimonie de leur consents al ceo containe en le faite, come appiert per ceux parolx. In cuius rei testimonium &c. ou a tiel effect mise en le

The Exposition of

fine de faits, sans qu'il pa-
rois, le fait est insuffisant.
Et pur ceo q nous sumus
en sigillation & signing
de faits, il ne terra dehors
icy a monstre a vous, pur
le amour de antiquites, le
manier del signing &
subscribing de fautes en
nostre auncetors. le Sax-
ons temps, un fashion
different de ceo que nous
vse en ceux nostre iours,
en ceo que ils a leur faits
subscribe leur nosmes,
(communement adding
le signe del Crosse) & en
le fine mise un grande
number des testimoignes
nour usant a cel temps
aueun manier de sigill. Et
nous a cest iour pur plus
suertie, auxmbi subscribe
nostre nosme (ment ob-
stant ceo nest mult neces-
saire come reo aye deuāt
die) & mis nostre sigilles,
& vse le aide destestimoig-
nes auxy. Cest primer fa-
shion continue per tout,
tanque al temps del Con-
quest per les Normans,
que maners per petite &
petite al daubaie preuaile
enter nous, car le primer

later ends of dedes, with-
out which wordes, the
neede is insufficient. And
because we are about sig-
ning and signing of dedes
it shall not be much a-
misse herre to shewe you,
for antiquities sake, the
maner of signing and sub-
scribing of dedes in our
auncetors the Saxons
times, a fashion different
from that were vsed in these
our dayes: in this that
they to their dedes sub-
scribed their names (com-
monly adding the signe of
the Crosse) and in the end
did set down a great num-
ber of witnesses, not using
at that time any kinde of
Seale. And we at this
day for more suretie, both
subscribe our names (al-
though this be not ne-
cessarye, as I haue
aforesaide) and give our
Seales, and vse the helpe
of testimonie besides.
That former fashion con-
tinued throughout, untill
the time of the Conquest
by the Normans: whose
maners by little and little
at the length prevailed
amongst us, for the first
sealed

When charter in England
is thought to be that of
King Edward the Con-
fessor is the Abbot of
West. who being brought
by in Normandy, brought
into this Realme that and
some other of their cus-
toms with him. And after
the coming of William
the conqueror, the Nor-
mans liking their owne
countrey customs (as na-
turally all nations do) re-
tained the moner that they
found here, & retained their
own, as Ingulph. the Abbot
of Croyland, who came in
with the conquest witness-
eth saying: The Nor-
mans doe change the ma-
king of bondings which
were wont to be firmes in
England with crosses of
golde & other holy signes,
into the printing war, and
they retain also the maner
of the English writing.
Now this was not
done all at once, but it in-
creased and came forward
by certaine steps and de-
grees, so that first and for a
season the King onely, or a
fewe other of the Nobilitie
used to seale.

charter sigil en Engl' est
pensé estre ceo del Roy
Edward le Confessor. Il
Abbe de West. que este-
ant educate en Norman-
die, port en cest Realme
ceos, & acoustumances de leur
guises. Et apres le venians
de Guillian le Conque-
reur, les Normans, estu-
maies de le custom de leur
pays, (come naturellement
touts nations font) reiect
le maner que ils trouont
cy, & reiteignōt leur pro-
per, come Ingulphus le
Abbot de Croyland, que
vient eins oue le Con-
quest tesmoigne, disans:
Normanni cheriogra-
phorum confectionem,
cum crucibus aureis, & a-
liis signaculis sacris in
Ang. firmari solita in ca-
ra impressi. mutāt, modūq̃
scribendi Anglicum reti-
nuunt. Mes neant obstant
ceo ne fuit fait tout al vn
tēps, mes il encrease &
vient eins p. certain steps
& degrees, ilsint que pri-
mes & par vn saison le
Roy solement, ou vn peu
autres de le Nobilitie
ouster lay. vse de sigiller.

M.iiij.

Don-

The Exposition of

Douq; le nobl' homes pur
le plus part, & nul autres,
quel chose vn home poir
veyer en le Hutorie de
Bartel Abbey, ou Richard
Lucy chiefe Iustice de
Engleterre, en le temps
del roy Henry le second,
est report de auer blame
vn meane subiect, pur ceo
que il vse vn priuat sigil,
quant ceo pertaine (come
il dit) al roy & Nobilitie
solement.

A quel temps auxy
(come I. Rolfe note ceo)
ils vse de ingraue en leur
sigils, leur pictures de-
meine, & counterfaits,
couer oue longe tunicle
super leur Armors. Mes
apres ceo les Gentle-
homes del meliour sort
prist le fashion, & pur ceo
que ils ne fueront toutes
gouernors, ils sefoient si-
gilles engraue oue leur
seuerall coates ou shields
de armes, pur difference,
come mesme le aucthour
report. Al darraine, in
temps del roy Edward le
iii. sigils fueront mult
common, isint que non
solement tiels, que portat

Then the Noble men for
the moste part, and none
other, whiche thing a man
may see in the Historie of
Bartell Abbey, where
Richard Lucy chiefe Ju-
stice of Englands, in the
time of King Henry the
second, is reported to haue
blamed a meane subiect,
for that he vsed a priuate
Seale, when as that per-
tained (as he saide) to
the king and Nobilitie
only.

At which time also (as
I. Rolfe noteth it) they
vsed to ingraue in their
seales, their owne pic-
tures and counterfaits,
couered with a long coate
ouer their Armors. But
after this the Gentlemen
of the better sort tooke up
the fashion, and because
they were not all warrie-
ors, they made Seales in-
graue with their seuerall
coates of shields of armes,
for difference sake, as the
same aucthour reporteth.
At the length about the
time of King Edward
the thirde, Seales be-
came verie common, so
that not onely such as bore
armes

armes bled to seale, but other men also falsified to themselves signets of their owne deuise, some taking the letters of their priue names, some flowers, some knots and somethes some birdes or beastes, and some other things, as wec now yet daily behold in use.

Some other manner of sealing besides these haue bin heard of among vs, as namely that of king Edward the third, by which he gaue to Rowen the hunter: The hop and the hopstone, with all the boundes bolen downe, and in witness that it was soth, he bit the square with his fore tooth.

The like to this was shewed to mee by one of my frendes in a loose paper, but not verie accurately written, and therefore hee willed mee to esteeme of it as I thought good: It was as foloweth.

I William Kinge, giue to the Powlen Royden, my hop and my hoplandes, with all the

armes vse de sigiller, mes autres hōes auxy fesoient al eux mesmes signets de leur deuise demesne ascuns prendrans les letters de leur nosmes demesne, ascūs flowers, ascūs knots & florishes, ascūs aues ou beastes, & ascuns aue's choses, cōe nō^o ore vne iournalmēt veiomus en vse.

Ascuns autres maners de sigillation ouster ceux ad estre oye enter nous, come nosment ceo del roy Edw. le iii. per que il done al Norman le hunter: Le hop & le hopville, oue tous les bōuds vp side downe, & en tesmoigne que il soit veray, il morde le cere oue son fonge dent.

Le seblable de cest fuit monstre a moy per vn de mes amies en vn lose chart, mes non mult accurately escript, & pur ceo il voil moy q' ieo esteema de ceo cōe ieo pense bū: Il fuit come enliust.

Ico Guilliam King, done a vous Powlen Royden, ma hop & ma hop terres, oue tous les bounds

The Exposition of

bounds vp & downe, de
celo al terre, de terre ad
infern, pur toy & vestres a
demurrer, de moy & mes,
al toy & vestres, pur vn
arck & vn brode sagut,
qu'ieco veiga pur hunter
dur yarrow. In desnoign
lq' e'co est veray, aco morde
cest cere oue mon dent,
in presence de Magge,
Maude, & Margerie, &
mon tierce firs Henrie.

Item ceo de Alberic de
Veer, conteignant le do-
nation de Hatfield, al q' il
fixe vn curt noier haft
cuttel, semblable al vn vi-
eux demy denier whittle,
in steede de vn seale, oue
diuers vielx semblables.

Mes aucun peraduen-
ture voylent pense que
ceux fueroient receyue
en common vse & cus-
tome, & que ils ne fue-
ront les deuises & plea-
sures dun peu singuler
persons, tiels quels ne
sont meines deceiue, que
ils que pensont chescun
charter & escript que ne
ad sigille annex, deite ey
annient come le Con-
quest, lou en veritie

boundes vp and downe,
from heauen to earth, from
earth to hell, for thee and
thine to dwell, from me
and mine, to thee & thine,
for thy wote and a broad
arcke, when I come to
hunt upon yarrow. In
wittnesse that this is soth,
I bite this waite with my
tooth, in the presence of
Magge, Maude, & Mar-
gerie, and my third sonne
Henry.

Also that of Alberic de
Veer, containing the do-
nation of Hatfield, to the
which hee annexed a short
black haired knife, like un-
to an olde halfpenn whit-
tle, in steede of a seale, with
diuers such like.

But some peraduen-
ture will thinke that
these were receiued in
common vse and custome,
and that they were not
rather the deuises and
pleasures of a fewe singu-
lar persons, such as are
not lesse deceiued, then
they that deuise every
charter and writing that
hath no seale annexed, so
bee as ancient as the
Conquest, whereas in deed
sealing

Sealing was not commonly
used till the time of King
Edward the thirde, as hath
been already said.

The third point is deli-
uerie, which although it be
sealless, is not the least, for
after that a deede is writ-
ten and sealed, if it be not
deliuered, all the rest is to
no purpose.

And this deliuerie ought
to be done, by the partie
himselfe, or his sufficient
sarrant, and so it shall
bind him, whosoever wrote
or sealed the same, and by
this last act the deede is
made perfect, according to
the intent and effect there-
of, and heretofore in deedes
the deliuerie is to be pro-
ved.

So that you see that
writing and sealing with-
out deliuerie is nothing
to purpose. What sealing
and deliuerie where there
is no writing worketh no-
thing. Nor writing and
deliuerie without sealing
also make no deede. And
therefore they all ought
to concur to make
a perfect deede, as is be-
fore said.

sigillation ne fuit comu-
nemēt vie tapq; al temps
del roy Edward le tierce,
come ad este dit.

Le tierce point est deli-
uerie; quel nient obstant
il soit mis darrein, nest le
meaneſt, car apres que vn
fait soit eſcript & ſigil ſil
ne ſoit deliuer, tout le re-
ſidue eſt a nul purpoſe.

Et ceſt deliuerie doit
eſtre fait per le party luy
meſme, ou ſon ſufficient
garrāt, & iſſint il luy lieta
quecunq; eſcript ou ſi-
gille ceo, & per ceſt dar-
raine acte, le fait eſte fait
perfect, accordant al en-
tent & effect de ceo, &
pur ceo en faits le deliue-
rie eſt deſtre proue &c.

Iſſint poies veyer que
eſcripture & ſigillation
ſans deliuerie eſt a nul
purpoſe. Que ſigillation
& deliuerie ſou neſt aſ-
cun eſcripture, work nul
choſe, Ne eſcripture &
deliuerie ſans ſigillation
auxy fait nul fait. Et pur
ceo ils tous doiēt ioint-
ment concurre pur faire
vn perfect fait, come eſt
auantdit.

The Exposition of

212 **Farme ou Ferme.**

Farme ou Ferme est specialment le chiefe me-
suage en vn village ou
towne a que appertient
graüd demeanes de tous
sortes, & ad este vse destre
lesse pur terme de vie,
ans, ou a volunt.

Itē le rent q̄ est reserue
sur tiel lease ou sembl',
est appel farme ou ferme.

Et farmor ou fermor,
est celuy que occupia le
farme ou ferme, ou est
lessee de ceo.

Auxy generally chescū
lessee pur vie, ans, ou al
volūt, nient obstant il soit
dū petit cottage, ou mes.
ē appel farmor ou fermor

Et nota, que ils sont ap-
pels farmes, ou fermes,
del Saxon paroll, Feor-
mian, que signifie pur
feede, ou render victual.
Car en auncient tempes,
leur reseruatiōs fuer cy
bien (ou pur le plus pt)
en victuall come argent,
tanque al darraïne, & ceo
principalment en le temps
del Roy H. le primer (per
agreement) le reseruatiō
de victuals, fuit conuert

Farme or Ferme.

Farme or Ferme is spe-
cially the chiefe mesuage
in a Village or Towne
whereto belongeth great
demeanes of all sorts, and
hath bene vsed to be let
for terme of life, yeres or
at will.

Also the rent that is re-
serued vpon such a lease of
the like, is called farme or
ferme.

And farmor or fermor,
is hee that occupieth the
farme or ferme, or is lessee
thereof.

Also generally euery les-
see, for life, yeres, or at will,
although it be of neuer so
small a cottage or house, is
called farmor or fermor.

And note, that they are
called farmes, or fermes,
of the Saxon worde Feor-
mian, which significeth to
feede, or payde; victuall.
For in the auncient time,
their reseruatiōs were as
well (or for the moze part)
in victuals, as money, vntill
at the laste, and that
chiefly in the time of King
Henry the first (by agree-
ment) the reseruatiō of
victuals, was conuerted
into

into ready money and so
hitherto hath continued a-
mongst most men.

213 Faux imprisonment.
FAUX imprisonment, is a
writ, and is such where
a man is arrested & restrai-
ned from his libertie by an
other against the order of
the lawe, then he shall haue
agaynst him this writte
whereby he shal recover da-
mages. Loke moze therof
before in the title arrest.

**Faux iudgment loke ther-
fore before in § title error.**

214 Fee ferme.

FEE ferme, is when a te-
nant holdeth of his lord
in fee simple, paying to him
the value of halfe, or of the
thirde or of the iij. part, or
of other part of the lande,
by the year. And he that
holdeth by fee ferme, ought
not to pay reliefe or do any
other thing then is contei-
ned in the feoffment but fe-
alty, for that belongeth to
all kind of tenures.

215 Fee simple.

FEE simple, is when anie
person holdeth landes or
rent or other thing inhe-
ritable to him and to his
heires for euermore & these

en ready argent, & isint
vncore ad continue enter
plusors homes.

Faux imprisonment.
FAUX imprisonment, est
vn brief, & gift lou hōe
est arrest & restraine de
sō libertie p vn auter en-
counter order de ley, dō-
ques il aia vers luy cest
briefe per q il recouera
damages: Vide plus de
ceo deuant titulo arrest.

**Faux iudgment vide de
ceo deuant titulo error.**

Fee ferme.

FEE ferme, est quant vn
tenāt tient de son seig-
nior en fee simple rendāt
a luy le value del moitie
ou de tierce parte, ou
quart part, ou de auter
parte del terre, per an, &
que tient en fee ferme ne
doit paier reliefe ou faire
auter chose, mes sicōe est
contein en le feoffement
forsq; fealty, car ceo ap-
pēt a tous mañs tenures.

Fee simple.

FEE simple, est quant as-
cun person tient terre
ou rent ou auter chose
inheritable a luy & a ses
heires a tous iours, ceux
parols

The Exposition of

parols ses heires font le-
stat denheritance, car si
terre loyt done a home a
touts iours, vnquore il
nad forsque estne pour
terme de vye. Auxy si re-
nant en fee simple deue,
son premier fies serra son
heire, mes sil nad fies, dō-
ques routs les fies que il
ad serront son heire, &
chescun auera son parte p
partition, mes sil nad fies
ne file, donques son pro-
cheyn cosin collater de
létier sank serr son heire.

216 Feoffment.

Feoffment, est lou vn don
terre, ou uel chose cor-
porall hereditable a vn
auter in fee simple, & de
ceo deliuer seisin & pos-
session del étre ceo est vn
feoffment. Auxy si vn fait
done in le taile ou leas
pur terme de vie, ou pur
terme dauter vie, il court
auxy de don liuery &
seisin, ou auterment riens
passera per le graunt.

217 Feoffor & fesse.

Feoffor, est celuy que en-
feoffe, ou fait feoffment
al auter de terres ou tene-
ments en fee simple. Et

words his heires make the
estate of inheritance, for if
land be giuen to a man for
euer yet he hath but an e-
state for terme of life. Also
if tenant in fee simple de-
his first sonne shall be his
heire, but if he haue no son,
then at his daughters, that
he hath shalbe his heires,
& euery one shall haue her
part, by partition, but if he
haue no sonne nor daugh-
ter then his next cosin col-
laterall of the whole blood
shalbe his heire.

Feoffment.

Feoffment is wher a ma-
giueth landes, houses,
or other corporall thinges
which be hereditable to an
other in fee simple, & there-
of deliuereth liuery & seisin
& possession of the land, that
is a feoffment. Also if one
make a gift in the taile, or
a leas for terme of life, or of
an other mans life at beho-
uerth also to giue liuery and
seisin, or els nothing shall
passe by the graunt.

Feoffor and Fessee.

Feoffor is he that maketh
or maketh a feoffment to
another of landes, or tene-
ments in fee simple. And
fessee

feoffe is he, who is infeoffed, or to whom the feoffment is so made.

Fealty, is a seruice called in latin fidelitas, & shall be done in such maner, that is to say, the tenant shall holde his right hand vpon a booke, and shall say to his lord. I shall be to you faithfull & true, I shall beare to you faith for the lands and teneiments, which I claime to holde of you, and truly shall ro to you the customs and seruices that I ought to doe to you at the termes assigned, to helpe me God. And shall kisse the booke, but he shall not knele as in doing homage. And therof loke after in the title homage. Whose fealty is incident to al maner tenures.

Felony, is a generall terme, which comprehendeth diuerse heynous offences, for which the offender ought to suffer death, & lose their landes: And it seemeth that they are called felonies, of the Latine word Fel, which is in English gall, in frech Fiel:

seffee est celuy, q est enfeoffe, ou a q le feoffment est illint fait,

Fealtye, est vn seruice appel en latin Fidelitas, & serra fait in tiel māner, que le teñt. tiendra sa mayne dexter sur vn liuer, & dira a son seign. Ieo a vous serra foyal & loyal, & foy vous portera des teneiments que ieo claime de tener de vous, & loyall vous serra les costumes & seruices que faire vous doye al termes assignes, sicome moy eyd dieu. Et basera la liuer, mes il ne genuera, come en fesant Homage: Et de ceo vide apres en le title homage. Auxy fealty est incident a tous maners tenures.

Felony, est vn generall terme, que comprehend diuers hainous offences, pur que l'offendours doivent suffer mort, & perdre leur terres: Et semble que eux sont appels felonies del latin parol Fell, q est Angloys gall, en Francoys Fiel:

The Exposition of

Ou del' auncient paroll
anglois Fell ou fierce, ou
pur ceo que sont entend
deste faits felleo aïo, with
bitter, fell, fierce, ou mis-
chieuous mind. Et ascun
de ceux sont, quant home
sans ascun colour de ley,
embley les biens dun aut
amountant al value de
xij. d. ou plus, ceo est lar-
ceny, mes q'un approcha
a le person vn auter en le
chimin, & luy robba de
ses biens, mesque ils ne
sont forsque al value de
vn denier, il est felonie, &
ceo est appel robberie, &
pur ceo il serra pendu.

220 Fireboote.

Fireboote, est necessarie
boys pur arder, quel
per le comon ley, lessée
pur ans, ou pur vie, poet
prendre en son terre, ni-
ent obstant il ne soit ex-
presse en son leas, & niét
obstant il soit vn leas per
parol tantum sans fayte:
Mes sil priist plus que be-
soigne, il serra punie en
waist.

221 Fledwite.

Fledwite, hoc est quietū
esse, de amerciamentis

oz of the auncient English
woorde fell oz fierce, oz be-
cause that they are inten-
ded to be done with a cru-
ell, bitter, fell, fierce oz mis-
chieuous mind. And some
of them are, when a man
without any colour of law,
stealeth the goods of an o-
ther amounting to the va-
lue of xij. pence oz more,
that is Larceny: But if
anie approacheth the per-
son of another in the high
way, and robbeth him of
his goods, although it be to
the value but of one peme,
it is felonie, & that is called
robbery, and therefore he
shalbe hanged.

Fireboote.

Fireboote, is necessarie
wood to burne, which
by the common lawe, lessee
for yeeres, oz for life, may
take in his grounde, al-
though it be not expresse
in his lease: and although
it be a lease by word onely
without writing: But if
he take more then is need-
full, he shall be punished in
waist.

Fledwite.

Fledwite, that is, to be
quite from amercements
when

Whē an outlawen fugitiue cometh to the kings peace of his owne will, or beyng licenced.

122 Flemeswite.

Flemeswite, that is, that you may haue the cattell, or amercemēts of your man or fugitiue.

123 Fletwit.

Fletwit (or Flitwit) that is to be quite from contention and conuicts, and that you may haue plee thereof in your Court and the amerciamentis, for (fit) in English is Tensone in French.

124 Forstall.

Forstall, that is to be quite of amercementis and cattels orrested with in your lande, and the amercementis thereof coming.

125 Forstaller.

Forstaller is he that buyeth Coine, Cattell, or other marchandize whatsoeuer is salable, by the waye as it cometh to markets, faires, or such like places to be solde to the intent that hee may sell the same againe at a more high & deere pryce in prou-

enit quis utlagatus fugitiuus veniat ad pacē domini Regis sponte, vel licentiatus.

Flemeswite.

Flemeswite, hoc est quod habeatis cattalla siue amerciamenta hominis vestri fugitui.

Fletwit.

Fletwit (ou Flitwit) hoc est quietū esse de contentione & conuictis, & quod habeatis placitū inde in curia vestra, & amerciamenta, quia (fit) Anglice est Tensone gallice.

Forstall.

Forstall, hoc est quietum esse de amerciamētis & cattallis arrestatis infra terram vestrā, & amerciamēta inde prouementia.

Forstaller.

Forstaller est celuy que achate blees, auers, ou aut' marchandize quecūq; est vādible per le chemin quāt il vient al markets, faires, ou tiels sēbl' lieux deste vend' al entent que il poit vender ceo auterfoires al vn plus haut & chare pryce, en praii-

N.

dicc

The Exposition of

dice & damage de le cō-
mō weale & people &c.

Le penaltie pur ceux
queux sont cōuict de ceo,
est le prin temps impris-
onmēt per ij. mois, & pde
le value del chose vend.

Le second temps, im-
prisonment per space de
demy an, & pdra le dou-
ble value des biēs &c. Le
terce temps, imprisonmēt
durant le pleasure le roy,
& iudgment del pillory,
& forfette tous les biens
& chattels. Vide lestatute
5. E. 6. cap. 14.

226 Franches Royal.

FRanches Royal, est lou
le Roigne graunt al vn
& a ses heires que ils ser-
ront quite de tolner, vel
huusfinodi.

227 Frankalmoigne.

FRankalmoigne, est lou
en auncient temps ter-
res fuerōt dones a vn Ab-
bot & son couent, ou a vn
Dean & le chapter, & a
leur successors in pure
& perpetual almoigne
sauns expresse ascun ser-
uice certaine, ceo est
frankealmoigne, & ils
sont tenus deuaunt dieu

dice & hurt of the common
wealth and people &c.

The payne for such as
are conuict is for the first
time imprisonment for
two Moneths, and losse
of the value of the thing
sold.

The second time impris-
onment by the space of
halfe a yere, & shall lose the
double value of the goods
&c. The ij. time imprison-
ment during the kings
pleasure, and iudgement of
the pillorie, and shall forfiet
all his goods. See the sta-
tute 5. Edw. 6. cap. 14.

Franches Roiall.

FRanches roiall, is where
the Quene graunts to
one and his heires, that
they shall be quite of toll,
or such like.

Free almes,

Free almes, is where in
auncient times landes
were giuen to an Abbot
and his Couent, or to a
Deane and the Chapter,
and to their successors, in
pure and perpetual almes,
without expressing any
service certaine, this is
frankealmoigne, and such
are bounde before God
to

to make Oracions & pray-
ers for the donour and his
heires, and for that they do
no fealtie, and if such that
haue landes in franke al-
moigne doe make no pray-
er nor deuine seruice for
the soules of the donors,
they shall not be compel-
led by the donours to do it,
but for that they may com-
plaine to the Ordinarie,
praying him that such ne-
gligence be no moze after,
and the Ordinarie of right
ought to do it.

But if an Abbot or holi-
beth landes of his Lorde
for certeine deuine seruice
to be done, as to sing eue-
ry Friday a Masse, or doe
some other thing, if such
deuine seruice be not done,
the Lorde may distrayne,
and in such case the Abbot
ought to doe fealtie to the
Lorde, and therefore it is
not said tenure in frank al-
moigne, but tenure by de-
uine seruice, for none can
hold by frank almoigne,
if any certeine seruice be
expressed.

238 Franke fee.

TO holde in Franke fee,
is to holde in fee sim-

de faire oracions & prai-
ers pur le donour & ses
heires, & pur ceo ils ne
ferront fealtie, & si tiels
q ont terres in franke al-
moigne ne font aucun
praiers ne deuine seruice
pur les almes le donor, ils
ne ferront p les donors a
ceo cōpelles, mes pur ceo
ils poient complaine al
Ordinarie, luy prayant
q tiel negligence ne soit
plus auant, & Lordinarie
de droit ceo doit faire.

Mes si vn Abbe &c.
tient terres de son Seig-
nior pur certeine deuine
seruice de estre fait, come
de chaunter chescun ven-
dredie vn masse, ou de
faire aut chose certeine, si
tel deuine seruice ne soit
fait le Seign poit distrei-
ner, & en tiel case l'abbe
doit faire a le Seign, feal-
tie, & pur ceo il nest pas
dit tenure in franke al-
moigne, mes tenure p de-
uine seru, car nul poit te-
ner in frak alm, si soit ex-
pse ascū certeine seruice.

Franke fee.

TENER en franke fee,
est a tener en fee sim-
ple

N.ij.

The Exposition of

ple terres pleadable a la
common ley, & nient en
auncient demesne.

229 Formedone.

Formedone, est vn brief
& gist lou tenant en le
taile enseoffa vn estrange
ou est disseise & deuye,
le heire auera briefe de
Formedone pur recouer
la terre, mes sont trois
briefes de Formedone, vn
est in le disceder, & ceo est
in le case auant dit. Axy
si vn done tre in le tayle,
& pour default dislue le
remainder a vn auter in
la taile, & que pur default
de tiol issue, la terre re-
uertera al donour, si le
primer tenant in le tayle
deue sans issue cestuy en
le remainder auera vn br
de Formedone en le re-
mainder, mes si le teñt en
le taile deue sans issue, &
cestuy le remainder auxi
deuy sans issue, dōques le
donor ou ses heires aua
vn formdon in le reuerter.

230 Fieri facias.

Fieri facias est vn briefe
iudiciall, & gist lou
home recouera debt ou
damages in Court le

ple landes pleadable at the
common lawe, not in auncient demesne.

Formedone.

Formedone, is a writ and
it lyeth where the tenant
in the taile enseffeth a strā-
ger or is disseised, & dieth,
the heire shall haue a writ
of Formdon to recouer the
land: but there be three ma-
ner of Formedones, One
is in the disceder, & that
is in the case before saide.
Also if one giue landes in
the tayle, and for default of
issue the remainder to an
other in the taile, and that
for default of such issue the
land shall reuert to the do-
nour, if the first tenant in
taile die without issue he
in the remainder shall haue
a formdone in the remain-
der, but if the tenant in the
taile die without issue, and
he in the remainder also die
without issue, then the do-
nour or his heires shall
haue a Formedone in the
reuerter.

Fieri facias.

Fieri facias, is a writ iu-
dicial, and it lieth where
a man recouereth debte or
damages in the Kinges
Court

Court, then he shall haue this writ to the shirife, commanding him that he leuy the debt and damages of the goods of him that hath lost, & it lieth alwayes within a yere & a day, and after the yere he must sue a scire facias, and if he be warned, & doth not come at the day &c. or if he come, & can say nothing, then he which recouerech shall haue a writ of fieri facias directed to the Shherife, that he make him haue executiō of iudgmēt.

But if a man recouer against a woman & she take a husband within the yere & the day, then he that shall recouer must haue a scire facias against the husband.

So it is if an Abbot or Prior recouer & dieth his successor within the yere shall haue scire facias. See thereof more in the title scire facias, & title Execution.

231 Fine.

Fine sometimes is takē for a summe of money which one is to pay to the King for any contempt or offence done by him: which fine euery one that comitteth any trespass, or that he is co-

Roy, dōques il auera cest briefe al vicount luy commandāt q̄ il leuie le debt & les damages des biens celuy q̄ ad perdus, & gist tous foites deins lan & iour, & aps lan luy couient de suer vn scire facias, & sil soit garne, & ne viēt al iour &c. ou sil vient & ne scauoir riē dire, donqs celuy que recouera auera bñ de fieri facias direct al vicont que il face luy auer execution de iudgement.

Mes si home recouera vers vn feme & el prist baron deins lan & le iour donques il couient que cestuy que recouera auera Scire facias vers le baron.

Auxy est si Abbot ou Prior recouer & deuie, sō successor deins lan auera Scire facias. Vide de ceo plus in la title Scire facias, & title Execution.

Fine.

Fine ascun foits est prise pur vn summe dargent quel ascun est de payer al roy pur ascū cōtempt ou offence cōmit p luy: quel fine, chescun que comit ascū trespass ou que est cō-

N.iiij.

uict,

The Exposition of

uict, que il faurint deny son fait, ou fesoit asc' chose en contempt del Roy, paiera al roy, quel est appellé Fine al Roy. Ascun foits Fine est prisé pur vn speciall concord, quel est ewe enter ascuns persons touchant ascun terre, ou rent ou auter chose, dont ascun suit, ou brief est enter eux pendant en ascun court, q' il poit ee in diuers maners. Lun est quant l'ou party reconust ceo este le droit del auter come ceo q' il eit del done cestuy q' fesoit le reconusans, quel routes foits suppose vn feoffment pcedent & e dit Fine execute: ou si il reconust ceo deste le droit del aut' omuttant les parols (come ceo q' il eit de son done) quel esteat fine sur conusans de droit tantum, si soit leuy a cestuy q' eit le franktenement del terre est Fine sur release. Et si cestuy que ceo conust est seisi, & celuy a que est leuy neit le franktenement del terre, donques est dit fine executorie, quel cestuy a q' le e re

uiced, that he falsly denieth his owne deede, or doo anie thing in contempt of lawe, shal pay to the king: which is called fine to the king. Sometime a fine is take for a final agrement which is had between any persons concerning any land or reit, or other thing whereof anie suit or writ is between the hāging in any court which may be diuers waies. One is whē one party reknewedgeth y to be the right of the other, as that y he hath of the gift of him y made that recognisance, which alwaies supposeth a feoffment going before, & is called a fine executed. Or if he acknowledged that to bee the right of another omitting these words (coe ceo que il eit de sō done) which being a fine vpon acknowledging of right onely, if it bee leued to him which hath the frehold of y land, is a fine vpon a release. And if he that acknowledged it, is seised, and her to whom it is leued hath not the frehold of the land, the it is called a fine executory, which he to whom the land

is

is acknowledged may execute by Enure or Scire fac.

And sometime such a fine surconuſis de droit only is to make a ſurrender: Therin is rehearſed that the reconuſor hath an eſtate for life, & the other a reuerſion.

And ſometime it is taken to paſſe a reuerſion, where a particular eſtate is recited to be in another, & that the reconuſor will that the other ſhal haue & reuerſion, or that & land ſhal remaine to another, after the particular eſtate ſpent.

And ſometime he to whoſe & right is acknowledged, as that that he hath of the gift of the reconuſor, ſhall yeeld the land, or a rent out thereof to & reconuſor. And ſometime for the whole ſee: Somtime for the particular eſtate, but the remainder or remainders ouer: and ſometime with reſeruatiō of rents with diſtreſſe and graunt thereof ouer by the ſaid fine.

And it is called a fine becauſe thereby the ſuite is ended and if it be recozded with proclamation it barreth ſtrangers.

est conus poit executer p Entre ou p Scire facis.

Et aſc' foits tiel fine ſur conuſans de droit tantū eſt pur faire vn ſurrender, lou en ceo eſt repeat, que le reconuſor eit eſtat pur vie, & l'auter en reuerſion.

Et aſc' foits ceo eſt ew de paſſer vn reuerſiō, lou particular eſtate eſt recite deſte en auter, & q̄ le reconuſor voit que le auter auera le reuerſiō, ou que le terre remain al auter apres le particular eſtate finie.

Et aſcun foits celuy a q̄ le droit eſt conus, come ceo que il ad del donē le reconuſor, redra le terre, ou vn rent hors de ceo al conuſor. Et aſcun foits pur lentier fee. Aſcun foites pur particular eſtate oue remaind' ou remainders oulter. Et aſcun foits oue reſeruatiō del rents oue diſtres & graunt de ceo oulter per meſme fine.

Et eſt appel fine quia p ceo le ſuit eſt determine, & ſi ceo ſoit record oue proclamation, ceo barre eſtrangers.

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Franke

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232 Franke mariage.

FRANK mariage, est quāt vn home seisi de terres en fee simple done ceo al auter home & a sa feme que est file, soer ou auct-
rnt de kin al donour) en frankmariage, p vertue de queux parolx ils ount vn estate en speciall taile, & tiendra le terre del donour quit de tous man-
niers de seruices tanque le iiij. degree soit passe, ac-
countants eux mesmes in le prumer degree, sinon fealtie, queux ils fieront, pur ceo que il est incidēt a toutes tenures forsque franke almoigne. Et tiel done poit estre fait cybi-
en apres mariage sole-
muse, come deuant. Et ho-
me poit doner terres a son fits in frankmariage come a sa file, per le opi-
nion de Master Fitzherbert en son brief de Chā-
pertie. H.

Mes il appiert auter-
ment en Master Littleto,
& en Master Brooke titu-
lo Frankmariage, Pla. 10.
Et issint il fuit tenus clere
ē Craies Inne ē Lept, An.

Free mariage.

FREE mariage, is when a man seised of landes in fee simple, giueth it to an other man, and to his wife (who is the daughter, Sister or otherwise of kinne to the donour) in free mariage, by vertue of which wordes they haue an estate in speciall taile, and shall holde the lande of the donour quitte of al man-
ner of seruices vntill the fourthe degree be past ac-
counting themselues in the first degree, except fe-
altie, which they shall doe because it is incident to all tenures sauing free almes. And such giste may bee made as well after ma-
riage solemnized as be-
foze. And a man may giue landes to his Sonne in free mariage, as well as to his Daughter by the opinio of Master Fitzherbert in his writ of Cham-
perty H.

But it appeareth other-
wise in Master Littl. & in
Mast. Brooke titulo Frank
marriage Placito decimo.
And so it is holden clere in
Graies Inne in Aēt, An.

1576. 18. Eliz. by the wor-
shipfull Maister Rhodes,
then reader there.

333 Freehold.

Freeholde, is an Estate
that a man hath in lands
or tenements, or profite
to bee taken in fee sim-
ple, taile, for terme of his
owne life, or for terme of
anothers life in dower or
by the curtesie of Englad.
And vnder that, there is
no freeholde, for hee that
hath estate for yeeres or
holdeth at wil, hath no free-
holde, but they are called
chattels.

And of Freeholds there
are two sortes, that is to
say, freeholde in dede, and
freehold in lawe.

Freeholde in dede, is
when a man hath entred
into lands or tenementes,
and is seised thereof real-
lie, actualle, and in dede:
As if the father seised of
landes or tenements in fee
simple dieth, and his sonne
entreteth into the same, as
heire to his father, then he
hath a freeholde in dede by
his entrie.

Freehold in Lawe, is
when lands or tenementes

1576. 18. Eliz. per le Wor-
Maister Rhodes donques
lector la.

Franktenement.

Franktenement, est vn e-
state que home ad en
terres ou tenements, ou
profit a prendre en fee
simple, taile, pur terme
de son vie demesne, ou
pur terme d'auter vie, en
dower ou per le curtesie
Dangleterre. Et south ceo
il ne est franktenement, car
il que ad estate pur ans,
ou tient a volunt nad as-
franktenement, mes ils
sont appel chattels.

Et de franktenements il y
ad deux sorts, c'est ascavoir
franktenement en fait, &
franktenement en ley.

Franktenement en fait est
quant vn hōe ad entred en
terres ou tenements, & est sei-
sie de ceo realm, actualment
& en fait: Si come le pe-
re seisi de terres ou ten-
ts en fee simple deuie, &
son fits enter en eux cōe
heire a son pere, donques
il ad vn franktenement
en fait per son entrie.

Franktenement en ley, est
quant terres ou tenements
sont

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font descendus al vn hōe,
& il poit enter en eux
quant a luy plest, mes nad
vncore fait son entrie en
fait, come en le case a-
uant dit, si le pere esteant
seisie de terre en fee sim-
ple deuie seisi, & ils dis-
cend' a son sites, mes le
sites nad vncore enter en
fait en eux, or̄e deuant sō
entrie il ad vn franktene-
ment en ley.

234 Freshsuit.

Freshsuit, est quant vn
home est robbe, & le
party issint robbe, pursua
le felon immediatment,
& luy prist oue le man-
ner, ou auterment & dō-
ques port vn appeale en-
uers luy, & luy conuince
del felonie per verdiste,
le quel chole esteant en-
quire pur le Roigne &
troue, le partie robbe aūa
restitut' de ses biēs artef.

Item il poit este dit, que
le partie fait Freshsuit,
nient obstant il ne prist le
felon presentment, mes
que il soit demy an ou vn
an apres le robberie fait,
deuant que il soit prise,
si soit issint que le partie

are discended to a man, and
hee may enter into them
when he will, but hath not
yet made his entrie indeed,
as in the case aforesaid, if
the father being seised of
lands in fee simple die sei-
sed, and they descend to his
sonne, but the sonne hath
not yet entred into them
indeede, now before his
entrie he hath a freehold in
lawe.

Freshsuit.

Freshsuit, is when a man
is robbed, and the partie
so robbed, follooweth the fe-
lon immediatly, and taketh
him with the manner, or
otherwise, and then bun-
geth an appeale against
him, and doth conuince him
of the felonie by verdict,
which thing being inquir-
ed of for the Quene and
founde, the partie robbed
shall haue restitution of his
goods againe.

Also it may bee said, that
the partie made freshsuite,
although hee take not the
theefe presentlie, but that
it be halfe a yere, or a
yeere after the robberie
done, before he bee taken,
if so bee that the partie
robbed

robbed doe what lyeth in him, by diligent inquirie & search to take him, yea although he be taken by som other bodie, yet this shalbe said fresh suit.

And so fresh suit is whē the Lorde commeth to distraine for rent or seruice, & the owner of the brastres doth make rescous, & dynereth them into others ground that is not holden of the lord, and the Lorde folloiweth presently & taketh them, this is called fresh suit. And so in other like cases.

robbe fait tant que en luy est, p diligent enquirie & serch de luy prēder, nient obstant q il est prise p vn auter home, vncore ceo ferra dit bone freshsuit.

Et issint freshsuit est quant le Seignior vient pur distreiner pur rent ou seruice, & le owner des beastes fait rescous, & enchase eux en auters terre que nest tenu del seign, & le seignior ensue presentment, & reprist eux, cest appel freshsuit. Et issint en auter semblables cases.

G.

G.

235 Gager de deliuerance.

Gager de deliuerance, is where one sueth a replevine of goods taken, but hee hath not the deliuerie of the goods, and the other auoweth, and the plaintife sheweth that the defendant is yet possessed of the goods &c. and prayeth that the defendant may gage the deliuerance, then he shall put in suertie or pledges for the deliue-

Gager de deliue-
rance.

Gager de deliuerance est, lou vn lūa Repleuin de biens prise, mies il nad deliuerie des biens, & lauter auowa, & le plain-tife monstra- que le defendant est vncore possesse des biens &c. & pria que le defendant gagera deliuerance, donques il mittera eins suertie ou pledge pur le redeliuerance

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rance, & vn brieve issera al
Vicont pur redeliuerer
les bñs &c. Mes si home
clayme proprietie, il ne
gagera deliuerance.

Auxy sil dit q les auers
sont morts en le pound, il
ne gagera &c.

Auxy home ne gagera
iammais le deliuerance
auant q ils soyent a issue,
ou demurrer en ley, vt di-
citur.

236 Garrantie des charters.

Garrantie des charters,
est vn brief, & gist lou
ascun fait est fait q com-
prehend clause de garf. s.
dedi ou concessi, ou cest
parol Warrantizabo, & si
le t soit implede per vn e-
strange si soit en Ass. ou
tiel action lou il ne poit
vouch a garrant, donq: il
auera cē bñ vers son feof-
for ou son heir, & si le tñe
soit recoū vers luy, il re-
couera tant del tñe en va-
lue vers cestuy que fust le
garf. Mes cest bñe co-
uiert este sue pendant le
prim bñ vers luy, ou auē-
mēt il ad pde sō auantage.

rance, & a writ shal go forth
to the Shirefe for to rede-
liuer the goods &c. But if
a man clayme proprietie, he
shal not gage deliuerance.
Also if hee saie that the
beasts be dead in f pound,
he shall not gage &c.

Also a man shall neuer
gage the deliuerance be-
foze that they be at issue,
or demurrer in the lawe,
as it is said.

Garrantie of Charters.

Garrantie of charters, is
a writ, & it lieth where
any deed is made f cōpe-
hēdeth a clause of warrant-
tie, f is to say, dedi or cō-
cessi, or this word warrant-
izabo, & if f tenant be im-
pleaded by a stranger, if it
be in assise or such action
where he may not vouch to
warrantie, then hee shall
haue this writ against his
feffor or his heir, & if f lād
be recovered against him,
hee shall recouer as much
land in value against him
that made the warrantie.
But this writ ought to be
sued hanging f first writ
against him, or else he hath
lost his advantage.

Also

Also upon a warrantie in the law, as upon homage auncestrel, or upon rent reserved vpon a lease for term of life, or a gift in the taile, a man shall haue a writ of warrantie of charters, but not upon exchange.

237 Garrantie.

Garrantie, is in two manners, that is to saye, garrantie lineall and garrantie collateral.

Garrantie lineal is wher a man seised in fee, maketh a feoffment by his deede to another, and byndeth him & his heires to warrantie, and hath issue a sonne and dyeth, and the warrantie descendeth to his sonne, that is lineall warrantie, for if that if no deede with warrantie had bin made, then the right of the landes should haue descended to the sonne, & he shall conuey the discent from the father to the sonne. But if the tenant in fee taile discontinueth the taile, & hath issue & dyeth, & the vncle of the issue releaseth to the discontinueth with warrantie &c. & dyeth without issue, that

Auxy sur garrantie en ley, come sur homage auncestrel, ou sur rent reservee sur lease a terme de vie, ou done en le taile home auera brief de garrantie de charters, mes nemy sur eschange.

Garrantie.

Garrantie, est en deux manners. s. garrantie lineal & garrantie collateral.

Garrantie lineal est lou home seuse en fee, fait feoffement per son fait a vn autre, & oblige luy & ses heires a garrant, & ad issue firs & morust, & le garrantie descend a son firs, ceo est lineal garrantie, pur ceo que si nul fait oue garrantie vst este fait, donques le droit des terres descenderoit al firs, & il conueyeroit le discent de le pere a le firs. Mes si tenaunt en le taile discontinua le taile, & ad issue & deuie, & luncle del issu releasa al discontinuee oue garrantie &c. & morust sauns issue, ceo est

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est collateral garrantie al
issue en le taile, pur ceo q̄
le garrantie discende sur
le issue, le q̄l ne poit soy
conueyer a le taile per le
meane de son vncler. Et en
chescun case lou hōe de-
maunda terres en fee tail
p̄ b̄r de Formedon, si ascū
del issue en le taile que a-
uoit possession, ou que
nauoit possession fait vn
garrantie, & cesty que sua
le brieve de Formedon
poit per possibilitie per
matter que pouloit este
en cest fait conueier a luy
aiele per force del done
per celuy que fist le gar-
rantie &c. ceo est don-
ques vn lineal garrantie,
& per tiel lineal garrantie,
le issue en le taile ne
serra barre, sinon que il
ad assers a luy descendus
en fee simple: Mes si il
ne poit per nul possibility
que poit este conueyer a
luy title per force del don
per celuy que fist le gar-
rantie, donques ceo est vn
collateral garrantie, & p̄
tiel collateral garrantie,
le issue en le taile sera
barre, sans aucun assers.

is a collateral warrantie
to the issue in the taile,
for that, that the war-
rantie descendeth vpon the
issue, the which may not
conuey him to the taile by
meane of his vncler. And in
euery case where a man de-
mandeth lands in fee taile
by writ of Formedon, if
any of the issue in the taile
which hath possession, or
which hath not possession
maketh a warrantie, and
he that sueth the writte of
Formedon may by possibi-
lity by matter that may be
in that dede conuey to
him title by force of the
gift by him that made the
warrantie &c. that is then
a lineall warrantie, and
by such a lineall war-
rantie, the issue in the taile
shal not be barred, except
that he haue assers to him
descended: But if he may
not by no possibility that
may be conuey to him ti-
tle by force of y^e gift by him
that made the warrantie,
then that is a collateral
warrantie, and by such a
collateral warrantie, the
issue in the tail shal be bar-
red without any assers.

And

And the cause that such a collateral warrantie is a barre to the issue in the tail, is for that, that al warranties before the statute of Gloucester, which descended to them which be heirs to them & made the warranties were barres to the same heirs to demaund any lands, except the warranties that began by disseisin, & for that, that the said statute hath ordeined that the warrantie of the father shalbee no barre to his sonne for the landes which come of the heritage of the mother, nor the warrantie of the mother shalbee no barre to the sonne for the landes which come of the heritage of the father, & the statute hath not made nor ordeined remedie against the warrantie that is collateral, to the issue in the tail, & therefore the warrantie that is collateral to the issue in the tail, is yet in his force, and shalbee a barre to the issue in the tail, as it was before the statute. Also it behoueth & all warranties whereby any heire shalbee

Et le cause que tiel collateral garrantie est vn barr al issue en le taile, est pur ceo q̄ tous garranties deuant lestatut de Gloucester, queux descendant a ceux queux sont heires a eux que fesoient les garranties, fueront barres a mesme les heires a demander ascun terres forspise les garranties, que commence per disseisin, & pur ceo que le dit estatute ad ordeine que le garrantie del pere ne serra barre a son fites pur les terres que veigne del heritage le mere, ne garrantie le mere ne serra barre al firs pur les terres que veigne del heritage de pier, & lestatute nad fait ne ordeine remedie encounter le garrantie que est collateral al issue en le taile, & pur ceo le garrantie que est collateral al issue en le taile, vncore est in sa force & serra barre al issue en le taile, come il fuit deuaunt lestatute, Auxy il couyent que toutes garranties, per que ascun heire serra barre

The Exposition of

barre, que le garrantie descend per course del common ley a celui que est heire a luy que fist le garrantie, ou autrement il ne serra barre, car si le tenant in le tail des terres in borrow English, lou le puisin fits inheritee per la custome discontinua le taile & ad issue deux fits, & luncle releas al discontinuee oue garrantie & deuy, & le puisne fits porte Formedone, vncore il ne serra barre par tyel garrantie, causa qua supra.

Auxy si aucun home fait aucun fait oue garrantie, per quel son heire serroit barre, & puis cestuy que fist le garrantie soyt attainct de felony, donques son heire ne serra barre par tyel garrantie, pur ceo que tyel garrant ne puit descendre sur luy, pur ceo que le lanke est corrupt.

Auxy si le fits purchase eue, & puis lessa le terre a son pier pur terme dans, & le pier p son fait de ceo enfeoffa vn estrange, & oblige luy & ses heires a garrantie, & le pier deuie,

barred, that the warrantie descend by \bar{y} course of \bar{y} common law, to him which is heire to him that made the warrantie, or else it shalbee no barre, for if the tenant in the taile, of lands in borrow English, where the pongest sonne shal inherite by the custome discontinueth \bar{y} taile, & hath issue ii. sonnes, & \bar{y} uncle releaseth to \bar{y} discontinueth with warrantie & dyeth, and the ponger sonne dzingeth a Formedon, yet he shal not be barred by such warranty causa qua supra. Also if any man make any deed with warrantie wherby his heire should be barred, and after he that made the warrantie bee attainct of felony, then his heire shal not bee barred by such warranty, for \bar{y} that such warranty might not descend vpon him, for \bar{y} that the blood is corrupt. Also if the sonne purchase land, & after let the lands to his father for terme of years, & \bar{y} father by his deed enfeoffeth a stranger, & bindeth him and his heires to warranty, & the father dyeth, where,

whereby the warrāy descendeth to þe sonne, per this warrāy shall not barre the sonne, but þe sonne may wel enter notwithstanding his warrāy, for that that this warrāy began by disseisin when the father made the feoffmēt which was a disseisin to the son, and as it is saide of the father, so it may be saide of every other ancestour. And the same lawe is, if the ancestour be tenaunt by Elegit, or by statute marching, and make a feoffment with warrāntie, such warrānties shalbe no barres, because they begin by disseisin.

per q̄l le garrantie descend al firs, vncore cē garrantie ne barreþ my le firs, mes le firs bien puit entre nient obstant cel garrantie, pur ceo q̄ cest garrantie commenast per disseisin, quant le pier fist le feoffment que fuit vn disseisin al firs, & come est dit de le pier, isint puit este dit de chescun auter ancestour. Et mesme le ley est si launcestor soit tenaunt per Elegit, ou per statute marching, & fait ascun feoffement oue garrantie, tiels garranties ne serrōt barres, pur ceo q̄ ils commencent per disseisin.

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Garrantie.

Garrantie, is when one is bounde to another which hath lande, to warrant þe land to him, which may begin two waies. s. by deede of lawe, As if one and his ancestours hath held land of another and his ancestours time out of mynde by homage, which is called Homage Tuncestrel: Or by deede of þe partie which graunteth

Garrantie.

Garrantie, est quant vn est lye al auter que ad terre de gar̄ le terr̄ a luy, le quel poit commence per deux meanes. s. per act del ley: come si vn & ses ancestors ont tenu terre del auter, & ses ancest' per temps dont memory ne curt, per homage, q̄ est appel homage ancestrell: Ou per l'act del partie, q̄ graunta

O.i.

per

The Exposition of

per fait on fine al tenant del terre de garrant ceo a luy: sur quel garrantie si le tenaunt soit implead per luy que doit garrant, ou ses heires, le tenaunt barrera le demaundant per pleder del garrantie vers luy, que est appell Rebutter: Ou si soit implead per auter en action, en que poit vouch, il vouchera cestuy que garrant, ou ses heires: Et si le plaintife recouër, le tenant recouera en value vers vouchée.

339 Garde.

GArde, est quant vn enfant que auncestor tient per seruice de chivalrie, est en le garde & custodie de le seignior de que ils fueront tenus: Et si le tenaunt tient de diuers seigniors diuers terres, celuy seignior de que il tient per prioritie, cestascavoir, per le plus auncient Tenure, auera la garde del enfant, mes si vn tenure soyt auxy auncient que le auter, donques celuy q primes,

by de de or fine to the tenat of the land to warrant it to him: upon which warrantie if the tenant be impleaded by him which ought to warrant, or his heires, the tenant shall barre the demandant by pleading of the warrantie against him, which is called Rebutter: Or if he be impleaded by another in an action, wherein he may vouch, he shall vouch him which warranted, or his heires, & if the plaintife recover, the tenant shall recover in value against y vouchée.

Garde.

WArde, is when an infant whose auncestor helde by knights seruice, is in the warde or keeping of the Lord, of whom those landes were holden: And if the tenaunt holde of diuers Lordes diuers landes, the Lord of whom the lande is holden by prioritie, that is to saye, by the moze elder tenure, shall haue the wardship of the infant: but if one tenure be as olde as the other, then hee that first happeth

happeth to haue the ward of the bodie shall keepe it: But in that case every Lord shall haue the warde of the lande that is holden of him. But if the tenaunt hold any land of the Q. in chiefe, then she by her Prerogative shal haue & ward of the bodie, & of all & lande that is holden of her, & of every other Lord.

Also there bee diuers writs of warde, one is a writ of right of warde, and that lyeth where the tenant dyeth, his heire with in age, & a stranger entred into the land, and hapneth to haue the warde of the bodie of the infant.

A writ of elemtment of warde lyeth where a man is put out of the warde of the land without the bodie of the infant.

A writ of ranshment of ward lyeth where the body is taken from him only and not the land.

140 Wardene.

Wardene, or gardeine most properly is hee that hath the wardship or keeping of an heire, and of

happa le garde del corps, gardera ceo, mes en ceo case, chescun seignior auera le gard del terre que est tenu de luy, mes si le tenant tient ascū terre del Roigne en chiefe, donq: le Roigne p sa prerogative aua le gard del corps, & de tout le terre que est tenu de luy, & de chescū auter seigniour.

Auxy sont diuers briefs de gard, vn est briefe de droit de garde, & gist lou le tenaunt deuye, son heire deins age & vn estrange entra in le terre, & hap le garde de corps de lenfant.

Briefe deielement de garde gist lou home est ouste de la garde de terre sauns de corps de lenfant.

Briefe de ranshment de gard gist lou le corps est prise de luy solement & nient le terre.

Gardeine.

Gardeine, ou gardeine plus propermēt est ce luy que ad le garde ou custodie dun heire, & de
O.ii. son

The Exposition of

son terre tenus per ser-
uice de chualrie , ou de
vnde eux a son vse de-
mesne, durant le nonage
del hī, & deins cest temps
ad le bestowing del corps
del hī, en mariage al son
volunt sans disparageant.

Et de gardeines il y ad
ii. sorts, nofnement: gar-
deine en droit, & gardein
en fait.

Gardein en droit, est ce-
luy que per reason de son
seigniorie est seisie del
gardship ou custodie del
terre, & del heire, durant
le nonage del heire.

Gardeine en fait, est lou
le seignior apres son
seisin, come auantdit,
graunta per fait, ou sans
fait, le gardship del terre
ou del heire, ou dambi-
deux a vn an, per force
de quel graunt, le graun-
tee est en possession, dou-
ques est le grauntee ap-
pell gardein en fait.

Et cest gardeine en fait
poit grant le heire al au-
aux, mes cest autre nest
properment appell gar-
deine en fait, car ceo est
le grauntee del garden

his lā holden by knyghts
seruice, or of one of them
to his owne vse, during
the nonage of the heire, &
withyn that time beth the
bestowing of the body of
the heire, in marriage at
his pleasure, without dis-
paragement.

And of wardens there
be two sorts, namely gar-
deine in right, & gardeine
in dede.

Gardeine in right is he
that by reason of his seig-
niorie is seised of the ward-
ship or keeping of the land,
and of the heire, during the
nonage of the heire.

Gardein in dede, is wher
the lord after his seisin, as
aforesaide, graunteth by
dede or without dede, the
wardship of the lande, or of
the heire, or of both to an
other, by force of which
graunt the grauntee is in
possession, then is the
grauntee called gardeine
in dede.

And this gardein in dede
may graunt the heire to an
other also, but that other
is not properly called gar-
deine in dede for that is
the grantee of the Garden
in

in right only, but the gar-
den in socage hath the pro-
fit onely to the vse of the
heire, untill he accomplish
the age of xiiii. yeeres, and
must yeild therefore an ac-
count to the heire. See
more hereof Lit. lib. 2. cap.
4. & 5. and Staunf. upon the
statute of Prerogative,
cap. 1. 2. & 6.

en droit solement, mes le
gardein en socage ad le
profit solement al vse del
heire 1esq; il ad accom-
plish lage de xiiii. ans, &
rendra pur ceo accompt
al heire. Vide plus de ceo
Lit. li. 2. ca. 4 & 5. Et Staf.
sur statute de Prerog. ca.
1. 2. & 6.

241 Garnishment.

Garnishment is, if an ac-
tion of detinue of char-
ters bee brought against
one, & the defendant sayth,
that the charters were de-
liuered to him by the plain-
tife & by another vpon cer-
taine conditions & prayeth
that the other may be war-
ned to plede with y^e plain-
tife if the conditions be
performed or no, & there-
upon a writ of Scire facias
shal go forth against him,
& that is called Garnish-
ment, & the other when he
commeth shal plede with
the plaintife, and that is
called enterpleder.

Garnishment.

Garnishment est, sicome
vn action de detinue
des charters est port vers
vn, & le defendant dit,
que les charters fueront
deliuer a luy per le plain-
tife & per vn auter sur
certaine conditions, &
prey que l'auter soit gar-
ny de pleder oue le plain-
tife si les conditions sont
pimples ou nemy, & sur
ceo vn briefe de Scire fa-
cias isslera vers luy, & ceo
est appel vn Garnishmēt,
& l'auter quant il vient
eins pled' oue le plaintif,
& ceo est appel enterple-
der.

242 Gaveler.

Gaveler, is a speciall and
ancient kinde of Cef-

Gavelate.

Gavelate, est vn speciall
& anciēt kind de Cef-
O. iii. fault

The Exposition of

lauiť vſed en Kent ou le
Cuſtome de Gauelkinde
continue, per quel le te-
naunt forfeitera ſes ter-
res & tenements al Seig-
niour de que ils ſont te-
nus, ſil detain de ſon
Seignior ſes due rents
& ſeruices, ſolouque ceſt
maner que enſuiſt.

Si alcun tenaunt en
Gauelkinde retaine ſa
rent, & ſes ſeruices de le
tenement que il tyent de
ſon Seignior, querge le
Seignior per agarde de
ſa Court, de trois ſe-
maines en trois ſemains,
de trouer diſtreſſe ſur cel
tenemēt ieſque a le quart
court, a tous ſoits per
teſmoignes. Et ſi deins
cel tēps ne troue diſtreſſe
en cel tenement, per
queux il puiſſe ſon tenant
juſticer, Donq; a la quart
Court ſoit agarde que il
preigne cel tenement en
ſa main, en noſime de di-
ſtreſſe, auxy come fuit
boefe ou vache, & le tiēt
vn an & vn iour, en ſa
maine, ſans maineouerer,
deins quel terme, ſi le te-
nant vient, & rende ſes

lauiť vſed in Kent where
the cuſtome of Gauelkind
continueth: whereby the
tenaunt ſhall forfeite his
landes and tenements, to
the Lord of whom they are
holden if he withold ſfrō
his Lord his due rents &
ſeruices, attē this maner
as followeth.

If any tenaunt in Ga-
uelkind, withold his rent
and his ſeruices of the te-
nement which hee hol-
deth of his Lord, let the
Lord ſerke by the award
of his Court from threē
weekes to threē weekes, to
find ſome diſtres vpon the
tenements vntill the iij.
Court, alwaies with wit-
neſſes. And if within that
time, he can find no diſtres
in that tenement, whereby
he may haue Juſtice of his
tenant, Then at the iij.
Court let it be awarded,
that he ſhall take that te-
nement into his hande, in
the name of a diſtreſſe, as
if it were an oxe or a cowe,
and let him keepe it a yere
and a daye in his hande
without manuringe it:
within which terme if the
tenaunt come and pay his
arre-

arreages, and make reasonable amends for the withholding, then let him haue and enjoy his tenement as his aunccestors, and he before held it: and if he doe not come before the peere and the day past, then let the Lord goe to the next Countie Court with his witnes of his owne Court, & pronounce there this processe to haue further witnelles, and by the awaide of his Court, (after the County Court holden) he shall enter and manure in those landes and tenements as in his owne. And if the tenant come afterward, and will rehaue his tenements, and holde them as he did before, let him make agreement with the Lord, according as it is aunciently said.

Hath hee not since any thing giuen, nor hath hee not since anye thing paid: Then, lette him pay v. li. for his were er before hee became tennant or holder againe. See hereof 10. H. 3. Fitz Cessauit 60. and statute 10. E. 2. of Gauelet in London, In the Col-

arrerages, & fait raisonnables amendes de la detener, adonc eit, & ioyse son tenement, siccome les aunccestours & luy auant tiendront. Et sil ne vient deuant le an & le iour passé, donc auage le Seignior al procheyne County court luyant oue tesmoygnes de la Court, & face la pronuncier cel processe pur tesmoynage auer, & per agarde de la Court (apres ceo Countie tenue) entra & meynouera en cels terres & tenementes, siccome en son demesne. Et si le tenaunt vyent apres, & voyler reauer les tenementes, & tener siccome il fist deuant, face gree al Seygnior, siccome il est auncientment dist.

Neghe sikh selde, & neghe sikh gelde, & v. li. for the were, er he become healden. Vide de ceo 10. Hen. 3. Fitzherb. Cessauit 60. & statute 10. Ed. 2. de Gauelet in London, en le Collection.

The Exposition of

lectiō del statutes Lōdon
2. matter tendant mult a
cel purpose, q̄ p cel parol
Gaueler le seign auera le
terre, pur cesser le teñt. Et
vide Westm̄ 2. cap. 21.
que done Cessauit.

Il y ad ascuns copies
que ad le primer Verse
ilsint escript.

Nisith yeld, and nisith
gelde.

Et auters ilsint.

Nighefith yelde, and
nighefith geld.

Mes ceux ne differ en
signification, auter copies
ont ceo solōque cē sort.

Nigondfith selde, &
nigondfith geld.

Cestassauoir, paiera il
nouies foits, & nouies
foits repay.

243 Gavelkinde.

GAuelkinde est vn cu-
stome annex & cur-
rant oue t̄res en Kent ap-
pel Gavelkinde terres te-
nus en auncient Socage
tenure. Et est pense per les
erudite en Antiquities,
deste appel Gavelkinde
de Gyue al kin, cest adire
a toutes les kinne en vn
line, accordant come est

lection of statutes London
2. matter much tending to
this purpose, that by this
worde Gaueler the Lord
shall haue the land for the
ceasing of the tenant. And
see W. 2. cap. 21. which gi-
ueth Cessauit.

There be some copies
that haue the first Verse
thus written.

Nisith yelde, and nisith
gelde.

And others thus.

Nighefith yeld, & nighe-
fith geld.

But these differ not in
signification, other copies
haue it after this sort.

Nigondfith seld, and ni-
gondfith geld.

That is to say, let him
ix. times pay, and ix. times
repay.

Gavelkinde.

GAuelkinde is a custome
annexed, and goyng
with landes in Kent cal-
led Gavelkinde lands hol-
den by auncient Socage te-
nure. And is thought by
the skilfull in Antiquities,
to be called Gavelkinde of
Gyue al kin, that is to say,
to all the kindred in one
lyne accordyng as it is
vsed

used among the Germans, from whom wee Englishmen, and chiefly of Kent come. Or els it is called Gavelkinde of Gyue all kinde, that is to say, to all male children, for kind in Dutch signifieth a male child. And diuers other like coniectures are made by the of the name (Gauelkind) which I omit of purpose for shortnesse sake.

The most vsual customes of them are, That the land is diuidable betwene the heires males, and that the heire at the age of sixteen yeeres may giue and sell his lande, and shall inherite although his father bee attainted and hanged for felonie, and his wife shalbe indowed of halfe the land, whereof her husband died seysed, and the husband shalbe tenant by the curtesie of $\frac{1}{2}$ halfe although he haue no issue by his wife, but the estate of the husband & wife ceaseth by their second marriage. And diuers other customes are vsed in Kent of landes in Gavelkind, for which see $\frac{1}{2}$ Perambulation of Kent,

use enter les Germans, de que nous Anglois, & especialment de Kent venomus. Ou il est appell Gauelkinde de Gyue al kinde, cest adire al tous les males, car kinde en Dutch signifie vn male. Et diuers autres semble coniectures sont fait per eux de lenosme (Gauelkind) le quel ieo omit de purpose pur breuitie.

Les plus vsual customes de eux sont, que le terre est diuidable enter les heires males, & q le heire al age de xv. ans peut dōc & vende sa terre, & serra inherit coment son pere soit attaint & pendue pur felonie, & sa feme serra endowe del demy del terre, dont son baron deuue seisie, & le baron serra tenant per le curtesie del demy, coment ne auoit issue p sa feme: mes lestade del baron & feme cease per leur second mariage. Et diuers auts Customes sont vles en Kent de terres en Gauelkind, pur queux veies le Perambulation de Kent,

fait

The Exposition of

fait per M. Lambert, Pur
quel cause le residue ico
voile omit come imper-
tinent a cel lieu, & in-
treat amplemēt en le dit
Perambulation.

244 Gelde.

Geld, hoc est quietū esse
de cōsuetud' seruilibus
q̄ quondā dari consueue-
rūt & adhuc dāt, cōe hor-
negeld & hīs similibus.

245 Graund Cape.

Graund Cape, vide de
ceo ap̄s tit̄ petit Cape.

246 Grand Serianty.

Graund Serianty est lou
on hōe tiēt de roy cer-
tein terres p le seruice de
porter sō bāner ou laūce,
ou amefner son hoste, ou
destre son caruer ou but-
teler a son coronment &
tiels sembl', & ceo est la
pluis honorable seruice
& pluis digne, q̄ le tenant
poit fair, & pur ceo ē ap-
pel graund serianty, Mes
petit Serianty est quant vn
tient de roy luy rendant
annueliēt vn arke, vn co-
teau, vn launce, & tiels
sembl', & ceo n'est fors q̄
socage en effect, mes hōe
ne poit tener in graund

made by M. Lambert. For
which cause the residue
I will omit as unnecessa-
rie for this booke, and in-
treated of largely in the
said Perambulation.

244 Gelde.

Gelde, this is to be quite of
seruile customes which
were wont to be gilen, and
are yet giuen, as hoynegeld
and such like.

Graund Cape.

Graund Cape, look there-
fore after in 4 title De
tit Cape.

Graund Seriantie.

Graunde Seriantie is,
where a man holdeth of
the king certaine lands by
the seruice of carping his
banner or launce, or to lead
his hoste, or to be his car-
uer, or butler at his Co-
ronation, and that is most
honorable seruice and most
worthie that a tenant may
doe, and for that it is cal-
led graund serianty. But
petit seriantie is when one
holdeth of the king, pay-
ing to him yearly a bow,
a sworde, a speare, and
such like, and that is but
socage in effect, but a
man cannot hold in grand
Ser-

Serieantie or by petit serieantie but of the King. Also for a tenant by grand serieantie dieth his heire being of full age the heire shall pay to the King for reliefe the value of the lands ouer the charges that he paieth to the king by grand Serieantie: but hee that holdeth by Escuage shall paye for his reliefe but C.s.

Also those that bee in the Marches of Scotland, that holdeth of the king by Cornage, that is to blow an hoire when the Scottes enter into England, are tenants in grand Serieantie.

Also where a man holdeth of the Kinge for to finde a man in his warres within the Realme, that is called graund Serieantie, for that, that it is done by a Mans bodie: And if the tennant cannot finde a man to doe it, then hee is bounde to doe it him selfe. And he that holdeth by graunde Serieantie holdeth by knights seruice, and the King shall haue warde, marriage and reliefe, but not of them

serieanty ne per petit serieanty sinon de roy. Auxy si tenant per graund serieantie morust son heire esteant de pleine age, le heir paiera al roy pur reliefe le value des terres ouster les charges que il pay al Roy p grand serieantie: mes cestuy que tyent p Escuage paiera pur son relief forsque C.s.

Auxy ceux que sont en le Marches de Scotland, que tient del Roy per Cornage, cest est, pur ventiler vn cornu quant les Scots entrent en Angleterre, sont tenants per graund serieantie.

Auxy ou vn home tient de roy pur trouer vn homme en la guerre deins le Realme, cest est dit grand Serieantie, pur ceo, que il est fait per corps dun homme. Et si le tenant ne poit trouer home de faire ceo, donques il est tenu de faire ceo luy mesme. Et il que tient per grand serieantie tient per seruice de chiualler, & le Roy auera garde, marriage & reliefe, mes nemy de ceux que

The Exposition of

que tient per petite ser-
ieantie, mes le Roy na-
uera de eux que tient per
grand Serieanty escuage,
siuon que ils tient per es-
cuage. Issint ceux que ti-
ent per grand serieantie
ou escuage tient per ser-
uice de chiualer. Mes vn
poit tener per grand Ser-
ieantie & nemy per escu-
age, & per escuage & ne-
my per grand serieantie.
Et le seruice de chiualer
toutes soites treit a luy
gard, mariage, & relief.

247 Grithbrech.

GRithbrech, hoc est pax
domini Regis fracta,
quia (Grith) Anglice pax
Latin.

H.

248 Habere facias
seisinam.

HAbere facias seisinam,
est vn brieve iudicial,
& gist lou vn ad recouer
certain terres en court le
Roy, donques il auera
cest brieve direct al Vi-
cont, luy commaundant
de doner a luy seisin del
terre, & ne serra retur-
nable.

that holdeth by petit serie-
antie, but the king shal not
haue of them that holde by
graund serieantie escuage,
except that they holde by
escuage. So they that hold
by graund Serieantie or
Escuage hold by Knights
seruice. But one may hold
by graund Serieantie and
not by escuage, and by Es-
cuage and not by graund
Serieantie: And the
Knights seruice alwayes
draueth to him warde,
marriage and reliefe.

Grithbrech.

GRithbrech, that is the
kings peace broken, be-
cause (Grith) in English
is pax in Latin.

H

Habere facias
seisinam.

HAbere facias seisinam, is
a writte iudicial, and it
lyeth where one hath re-
couered certaine landes in
the Kings court, then hee
shall haue that writte di-
rected to the Shirife, com-
maunding him to giue him
seisin of that lande, and it
shal not be returnable.

Hangwit.

249 Hangvrit.

HAngvrit, that is to bee quite of a theefe or felon hanged without iudgment, or escaped out of your custodie.

250 Hariot.

Hariot, is in two sortes, the one Hariot custome, the other Hariot seruice.

Hariot seruice (some saye) is alwaies expresse in a mans graunt, or dedde that hee holdeth by such seruice to paye Hariot at the time of his death, and this hariot is payable after the death of the tenant in fee simple.

Hariot custome, is wher Hariots haue bene payde time out of minde by custome. And this may bee after the death of tenaunt for life &c. but to speake thereof generally.

Hariot is the best beast (whether it be Horse, Ox or Cowe) that the tenaunt had at y time of his death. And the Lorde may either seise, or take a distresse for it, whether it bee Hariot seruice, or Hariot custome, to the Lordes vse of whome the tenaunt helde

Hangwit.

HAngwit, hoc est quietum esse de latrone suspenso sine iudicio, vel extra custodiam vestram euaso.

Hariot.

Hariot, est e deux sorts lun Hariot custom, le autre Hariot seruice.

Hariot seruice (ascuns dient) est tous foits expresse en le graunt dun home, ou en son fait que il tiert per tiel seruice pur paier hariot al temps de son mort, Et cest Hariot est payable apres le mort de le tenat en fee simple.

Hariot custome, est lou hariots ont este paies temps hors de memorie per custome. Et ceo poit este apres le mort del tenant pur vie &c. mes a parler de ceo generalmt.

Hariot est le meliour beast (soit il Chiual, Boef, ou vache) que le tenat ad al temps de son mort. Et le Sñr poit seise, ou pñder vn distresse pur ceo, soit il Hariot seruice, ou Hariot custome, al vse del Seignior de que le tenant tiert per

The Exposition of

per son baylie ou auter officer de son manor. Mes de droit le Seignieur ne son officer ne doit prendre Harriot deuant que il soit present al prochain court tenuz apres le tenant est mort, & que tiel beast est due al seignieur pur son Harriot.

251 Haybote ou hedg-bote.

HAybote ou hedgbote, est necessary stuffe pur faire & amend haies, que lessee pur ans, ou pur vie de common droit poit pnder sur le tre a luy lessee, nient obstant il ne soit expresse en son lease, & nient obstant q'il soit vn lease pparols sans escript.

Haybote auxy poit estre prise pur necessary stuff pur faire rakes, forks & tiels semblables instrumens oue quux homes vfont en summer de tedder & faire feine Et issint vn lessee pur ans prist ceo & fuit a luy allow per so lessor, plus tost come ieo suppose, pur ceo que tiels instrumens sont communement fait de slender subboys, q pur le comon

by his Bailife or other officer belonging to his manor. But of right, the Lord nor his officer shoulde not take Harriot before it bee presented at the next court holden after the tenant is dead, and that such a beast is due to the Lord for his harriot.

Haybote or hedge-bote.

HAybote or hedgbote, is necessary stuffe to make and amende hedges, which the lessee for yeeres, or for life of common right may take vpon the grounde, to him leased, although it bee not expresse in his lease, and although it bee a lease by wordes without writing.

Haybote also may be taken for necessary stuffe to make rakes, forks, and such like instruments wherewith men vse in summer to tedde and make hay. And so a Lessee for yeeres tooke it, and it was allowed him by his Lessour, the rather as I suppose for that such instruments are commonly made of slender under wood, which by the comon lawe

lesse the lessee for peres may
cutte and take as is aforesaid.

ley lessee pur ans point
succider & prender come
est auantdist.

Hidage.

252 Hidage.

Hidage, that is to be quit,
if the kinge shal take al
the land by hides.

Note that a hide of land
is a whole ploughlande.
And this kinde of taxing
by hides was much vsed
in olde time, as well for
provision of Armour, as
paymentes of Money, and
that chiefe in king Ethel-
redes daies (a king in this
Countrey before the Con-
quest) who in the yere of
Christ 1006, when as the
Danes landed at Sand-
wich in Kent, taxed al his
land by hides thus, That
enerie thre hundred and
tenne hides of lande, shoulde
find one ship furnished, and
euery eight hides shoulde
find one Jack and one sal-
let, for the defence of the
Realme.

Hidage, hoc est quietum
esse si dominus Rex
talliauerit totam terram
per hidas.

Nota q vn hide de terr,
est vn entiere plowland. Et
cest kinde de taxing per
hides fuit mult vse en vi-
el temps cibien pur pro-
uision de armour, come
paimiers de argent, & ceo
principalmt, en les iours
del Roy Etheldred (vn
Roy en cest payes deuant
le Conquest) que en le
an de Christ 1006, quant
les Danes prist land al
Sandwich en Kent taxe
tout son terre per hides
cest maner, Que chescun
310. hides de terre doient
trouer vne niese furnish,
& chescun 8. hides doi-
ent trouer vn Jacke & vn
faller, pur le defence del
Realme.

253 Hotchpot.

Hotchpot, is a medling,
or mixing together,
and a partition of Landes
giuen in frankmarriage,

Hotchpot.

Hotchpot, est vn med-
ling, ou mixing enle-
ble, & vn partitiō de tres
done en frankmarriage,
ouelque

The Exposition of

ouesque auter terres en fee simple descendus. Comme pur exemple : vn homme seisi de 30. acres de terre en fee simple, ad issue ij. files, & done ouesq vn de ses files al vn home q luy marrie 10. acres de ceo terre en frankmarriage, & morust seisie de les auters xx. acres : Ore si el que est isint marrie voiloit auer ascun parte de les xx. acres de que son pier morust seisie : El doit mise ses terres done en frankmarriage en Hotchpot, ceo est adire, el doiet refuser de prendre le sole profite del terre done en frankmarriage, & suffer le terre de estre commixt, & mingle ensemble ouesque le aut terre de q son piere morust seisie, isint que vn equal diuisiō poit estre fait de lentyer pe-renter luy & sa soer : Et isint pur sa 10. acres, el auera xv. auterment sa soer voyt auer les xx. acres, de que lour pier morust seisie.

with other landes in fee simple descended, As for example, a man seised of 30. acres of lande in fee simple hath issue 2. daughters, and giueth with one of his daughters to a man that marieth her ten acres of the same lande in frankmarriage, and dyeth seised of the other twentie acres : Nowe if shee that is thus married will haue anie part of the twentie acres wherof her father died seised : She must put her landes giuen in frankmarriage in Hotchpot, that is to say, shee must refuse to take the sole profits of the lande giuen in frankmarriage, and suffer the land to bee commixt and mingled together with the other lande wherof her father died seised, so that an equall diuision maye bee made of the whole betwene her and her sister : and thus for her tenne acres shee shall haue sixtene, else her sister will haue the twentie acres of which their father died seised.

Homage.

144 Homage.

Homage, is a seruice which shall bee made in such manner, that is to say, the tennant in fee simple or fee taile that holdeth by homage shall kneele vpon both hys knees vngirded, and the Lord shall sit and shal holde the handes of his tenant betwene his handes, and the tennant shall saye, I become pour man from this daie forwarde of life and member and of eachie honour, and to pou shall be faithfull and true, and shall beare to pou faith for the lande that I claime to holde of pou; saying that faith that I owe to our Lord the king, and then the Lord so sitting shall kisse him.

But how fealtie shal bee done loke before in fealtie. And the Steward of the Lord may take fealtie but not homage.

255 Homage auncestrel.

Homage auncestrell, is where a man and his auncstours of time out of mind, did hold their land of their lord by homage. And if such Lord hath receiued

145 Homage.

Homage, est vn seruice que sera fait en tel maner, cest ascenoit le tenant in fee simple, ou fee taile q tient per homage genulera sur ambideux genus disceint, & le seigneur seera & tiendra les mayns son tennant inter ses mains & le tennant dira. Ieo deuigne vostre home de cestuy iour en auant de vie & de member & de terraine honor, & vous sera foyal & loyal, & foy vous portera des terres que ieo elaine de tenuer de vous, salue le foy que ieo doy a nostre seignior le Roy, & donques le seignior issint seant lui beiera.

Mes eomet fealty sera fait, vide deuant in fealty.

Et le seneschal le seignior pnt prendre fealty mes nemy homage.

Homage auncestrel.

Homage auncestrel, est loit vn hōe & ses auncest' de tēps dōt memory ne courge, ont ten' la tre del Sñr per homage, & si tel Seignior ad receu

P.i. Ho-

The Exposition of

homage il est tenu de
acquiter le tenant vers
toutes autres seignours
paramont luy de chescun
mann & service. Et si te-
nant ad fait homage a son
seignour & soit implede
& vouche le seignour a
garrantie, le seignour est
tenu de luy garranter, &
si le tenant perde il reco-
uerra in value vers son
seignour tant des terres
que il auoit al temps de
la vouche ou vnq. puis.
Auxi si home que tient
sa terre per homage a un-
cestrel alien le terre e fee
donques le alienee ferra
homage a son S^r, mes il
ne tiendra p homage an-
cestrel pur ceo que le con-
tinuance del tenacy in le
sank le prim tenaunt est
discontinue.

256 Homesoken.

Homesoken, (ou hame-
soken) hoc est quietu
esse de amerciamentis, de
ingressu hospicioꝝum vi-
olenter & sine licentia, &
contra pacē domini Re-
gis. Et q̄ teneatis placita
de hīndi transg^r facta in
curia vestra, & in tra ve-
stra.

homage, he is bound to ac-
quite the tenant against al
other Lordes aboute him of
euery manner service. And
if the tenant hath done ho-
mage to his Lord, and
be impleded and voucherh
the Lord to warrantie,
the Lord is bound to war-
rant him, and if the tenant
lose, hee shall recouer in
value against the Lord so
much of the landes as hee
had at y^e time of y^e voucher
or any time after. Also if a
man that holdeth his lande
by homage auncestrell ali-
en the lande in fee, then the
alienee shall doe homage to
his Lord, but he shall not
hold by homage auncestrel,
for that the continuance of
the tenauncie in the blood
of the first tenaunt is dis-
continued.

Homesoken.

Homesoken, (or hame-
soken) that is to bee
quit of amerciaments for
entring into houses vi-
olently and without licence,
and contrarie to the peace
of the King. And that you
holde plea of such trespassse
done in your Court and in
your land.

Homicide

257 Homicide or Manslaughter.

Homicide or manslaughter, is the killing of a man feloniously without malice forethought. It is also defined thus, Homicide is the killing of a man by a man, and if such killing be done by a dog, ox, or other thing, it is not properly called homicide: for it is called homicide of a man, and to kill as the killing of a man.

258 Hornegelede.

Hornegelede, that is to be quit of a certaine custome exacted by tallage throught all the lande, as of whatsoeuer hohne beast.

259 Housebote.

Housebote, is necessarie timber, that the lessee for peres, or for life, of common right may take vpon the ground, to repaire the houses vpon & same ground to him leaseth, although it be not expressed in the lease, & although it bee a lease by words without deed. But if he take more thē is needful, hee may be punished by an action of waste.

Homicide ou Manslaughter.

Homicid' ou Māslaughter, est le occider dun home felonieusement sans malice premediee. Il est aussi define ainsi. Homicidium est hominis occisio, ab homine facta, si autē a cane, boue, vel alia re, non dicitur proprie homicidium: dicitur homicid' ab homine & cædo, quasi hominis cædiū.

Hornegelede.

Hornegeld, hoc est quitum esse de quadam cōsuetudine exacta p tallag. p totam terram, sicut de quacūq; bestia cornuta.

Housebote.

Housebote, est necessary timber, q le lessee pur ans, ou pur vie, de cōmon droit poit prendre sur le terre, pur repayer les measons sur mesme le terre a luy lessé, nient obstant il ne soit expresse en le lease, & nient obstant il soit vn lease per parols sans fait. Mes sil prist plus q besoigue, il poit estre punish per vn action de wast.

P.ij.

Hun-

The Exposition of

250 Hundred.

HUndreds, furent de-
uise per Alfred le roy,
apros que il ad deuide le
entier Realme en certain
parts ou sections, le quel
de le Saxo parol Scynan,
significant de seinder, il
terme Shires ou (sicome
nous vncore parle) Shares
& portions. Ceux Shires il
auxy diuide en petites
parts, de queux ascuns fu-
eront appellees Liches, de
le parol Iclapian, que est
de assembler ensemble,
autres Tythinges, isint
nosme, pur ceo que la fu-
eront en chescū de eux al
number de x. persons, de
que chescun fuit liertie
& pledge pur aut's bone
behaviour: autres hun-
dreds, pur ceo que ils cō-
teine iurisdiction sur vn
100 homes ou pledges
demurrāt paduenture en
ij. ou iij. ou plus paroches,
borowes, ou villes, este-
ant & adioynantes nient
meines prochein ense-
ble, en le quel il appoint
administration de iustice
destre exercise seueral-
mēt ēter eux de meisme le

Hundred.

HUndredes, were deui-
sed by Alfred the king,
after that hee had deuided
the whole realme into cer-
taine partes or Sections,
Which of the Saxon word
Scynan signifying to cūte,
he termed Shires, or (as
wee yet speake) Shares,
and Portions. These
Shires hee also deuided
into smaller parts, where-
of some were called Liches
of the word Iclapian,
which is to assemble toge-
ther, others Tythings, so
named, because there were
in eache of them to the
number of tenne persons,
whereof eache one was
Swertie and pledge for
others good obearing: o-
thers hundreds, because
they contained iurisdic-
tion ouer an hundred men
or pledges dwelling per-
aduenture in two or thre,
or more Parishes, Bo-
roughs, or Townes, lying
and adioyning neuertheless
somewhat neere together,
in which hee appointed
administration of Justice
to bee exercised seuerally
amonge them of the same
Hun-

hundred, and not that one shoulde runne out disorderly into an others hundred; lath, oz tithing, whercof he dwelleth not. These hundredes continue to this daie in force, although not altogether to the same purpose, whereunto at the first they were appointed, yet still verie needfull both in tyme of peace for good order of gouernement diuers waies and also in warre for certaintie of leuying of men: as els for the more readie collections of paymentes granted in Parliament to the Kings and Queenes of this Realme.

261 Hundredum.

HVndredum, that is to be quite of money oz customes to be done to the gouernours and hundredors.

I.

Idcot.

IDeot, is he that is a soule naturally from his birthe, and knoweth not how to accompt oz number twentie pence, nor cannot name his father oz mother,

hundred, & nemy que lun irra hors disorderment en l'auter hundred, lath, ou tithing; en que il ne demurt. Ceux hundredes continue a cest iour en force, nient obstant non en tout al mesme le purpose, pur que al primer ils fueront ordein, vncore a ore mult necessaie, & en temps de peace pur bone order de gouernement diuers voyes, & auxy en guerri pur certaintie de leuying de homes come auerunt pur le plus spedi collections de paiements grant en Parliamēt a les Roies & Roigns de cest Realme.

Hundre-lum.

HVndredum hoc est quod est de denariis vel consuetudinibus faciendis prepositis & hundredariis.

Idcot.

Idcot.

IDeot, est celuy que est vn sor naturel de la neysture, & ne scauoir de accompter ou number xx. d, ne poir nommer son pere ou mere,

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ne

The Exposition of

ne de quel age il m̄ est, ou
 tiel semblable plaine &
 cōmon choses, ilsint q̄ il
 appiert q̄ il nād ascū ma-
 nier de intendment de
 reason: ne gouvernement
 de luy mesme, quel est
 pur son profit, ou dispro-
 fit &c. Mes fil ad tant en-
 telligēce que il poit lier,
 ou apprendre de lyer per
 instruction & informa-
 tiō de auts, on poit mea-
 sure vn vñe de drap, ou
 mesme les iours en le se-
 maine, ou engēder vn en-
 fant, firs ou file ou tiel se-
 blable, p̄ q̄ il poit apparee
 que il ad ascun lumen de
 reason; donq; tiel nest
 Ideot naturalment.

noz of what age himseife
 is, oz such like easie & com-
 mon matters: so that it
 appeareth he hath no ma-
 ner of vnderstanding of
 reason, noz gouvernement
 of himseife, what is for his
 profite oz disprofite &c. But
 if he haue so much know-
 ledge that hee can read oz
 learne to read by instructi-
 on and information of o-
 thers, oz can measure an
 Ell of cloth, oz name the
 dayes in the weeke, oz be-
 get a child, sonne oz daugh-
 ter, oz such like, whereby
 it may appeare that hee
 hath some light of reason:
 then such a one is no Ideot
 naturally.

263 Idempnitare no- minis.

I Dempnitare nominis, est
 vn bre, & gift lou b̄ de
 det, Couenant, Accompt,
 ou tiel semblable briefe
 est port vers vn home,
 & vn autre que ad mes-
 me le nōme come le de-
 fendand ad, est pris pur
 luy, donq; il auera cest b̄
 per que le viscount fra
 inquiry deuaunt Justice

Idempnitare no- minis.

I Dempnitare nominis, is a
 writ, and it lyeth where
 a writ of debt, couenant, oz
 accompt, oz such other
 writ is brought against a
 man, and another that
 hath the same name as the
 defendand hath is take for
 him, then he shall haue this
 writ, by the which the
 Shyrife shall make in-
 quirie before the Justice
 assigned

assigned in the same countie, if he be the same person or not: & if he bee not found to be a partie, then he shall go without day in peace.

264. *¶* Ieofaile.

Ieofaile, is when the parties to any suite in pleading haue proceeded so far that they haue topned issue, which shalbe tryed or is tryed by a Jury or enquest. And this pleading or issue is so badly pleaded or topned, that it wilbe erro: if they procede: Then some of the saide parties may by their Counsell shew it to the Court as well after verdict giuen and before iudgement, as before the Jury be charged. The shewing of which defectes before the Jury charged was often when the Jury came into the Court to trie the issue: then the Counsell which will shew it, shal say, This enquest ye ought not to take; And if it bee after verdict, then he may say, to iudgement you ought not to go. And because such many delays were in suites, diuers

assigne in in le countie, si soit mesme le person ou nent, & si ne soit troué le partie donques il aces sans iour in peace.

¶ Ieofayle.

Ieofaile, est quant les parties al ascun suit en pleadant ont a tant proceed q il aient ioyne issue quel sera trie, ou est trie per vn jury ou enquest. Et cel pleading ou issue est oy malement plede ou ioyne q il sera erro: si eux procede: Donq; ascun del distes parties poit per lous Counsell monstre ceo al Court auxibien apres verdict done & deuant iudgement, come deuant le jury soit charge. Le monstrans des qux effectes deuant le jury charge fuit souent quant le jury veign al Court de trie le issue, donq; le Counsell q il voit ceo monstret dira, ce enquest ne doies prendre, Et si soit apres verdict, donq; il voilout dire, Al iudgement ne deues aler. Et par ceo q ceux mults delayes fueront en suites, diuers

The Exposition of

statutes sont faits de redresser ceo, auxibien en temps Roy H. le 8. Anno 32. cap 30. come en tēps le roigne que ore est de queux home poit dire come les Ciuilians dient. Quod tamen si iuris formulas amputari iusserit Constantinus Imperator, quotidianus tamen foris vsus eas reuocasse videt, vel potius, quod crescant vt Hydra capita,

265. Illoyall assemblee,

Illoyall assemblee, est lou people eux assemble insinul pur faire illoyall chose encounter le peace, nyens obstant que ils ne execute leur purpote en fait.

266. Imparlance,

Imparlance, est quant un action de dett, trespass, ou uels semblables est port enuers un home, & apres que le plaintrise ad count ou declare, le defendant pria le Court que il poit auer temps de muter eins son respons al

statutes are made to redresse them, aswell in the time of king H. 8. in the 32. yere ca. 30. as in the time of the Queene that now is: wherof a man may saye as the Ciuilians say, that although Constantine the Emperoz. commanded the formes of the law to be cut off, yet the daily use of pleading doth seme againe to recall them, or rather, some of them increase as y. heads of Hydra.

Unlawfull assembly.

Unlawfull assembly, is where people assemble themselves together to do some vnlawfull thing against the peace, although that they execute not their purpote in dede.

Imparlance.

Imparlance, is when an action of debt, trespass, or such like is brought against a man, & after that the plaintrise hath counted or declared, the defendant prayeth the Court, that hee may haue time to put in his answer to another

another daye in the same
terme, or in the next terme
following, this stay of
answers is called im-
parlance.

auter iour en mesme le
terme, ou en le procheinie
terme, cest stay de res-
pons est appel impar-
lance.

267 Imprisonment.

Imprisonment, is no other
thing, but the restraint
of a mans libertie, whe-
ther it be in the open field
or in the stocks, or cage
in the streates, or in a
mans owne house as well
as in the common gaole.
And in all these places the
partie so restrayned is said
to be a prisoner, so long as
hee hath not his libertie
freely to goe at all times
wherher he will, without
Baile, Mainprise, or o-
ther authoritie.

Imprisonment.

Imprisonment n'est auter
chose forsque le restraint
del libertie dun home,
soit ceo en le ouert chaps
ou en le cippes, ou cage
en les estreates, ou en le
proper meason dun hōe,
si bien come en le comon
gaol. Et en toutes ceulx
lieux le partie issint re-
straine est dit destre vn pri-
soner cy longemēt come il
nad son libertie frankmēt
de ire a tous lou il voit,
sans baile, mainprise, ou
auter auctoritie.

268 Infangthefe.

Infangthefe, that is, that
theenes taken within
pour demesne or see con-
uicted of thefes, shall bee
iudged in your Court.

Infangthefe.

Infangthefe, hoc est qd'
latrones capti in domi-
nico vel in feodo vestro
de latrociniiis conuicti, in
curia vestra iudicent.

269 Information.

Information.

Information, for & Quēn
is that, which for a
common person is called a

Information, pur le roign
est ceo que pur vn com-
mon person est appel vn
de-

The Exposition of

declaration; & nest toutes
foits fait directment p le
Roigne, ou la Atturney,
mes p vn aut home. Qui
tam pro domina Regina
quam pro seipso sequitur,
sur le breach de ascū pe-
nal ley ou statute, en que
vn penaltie est done al
partie que voit suet pur
ceco, mes nul actiō de dett
pur recouer ceo, donq; il
doit ee ewe p informatiō.

370 Ioyntenants.

Ioyntenants sont lou deux
homes vient a ascū ter-
res on tenements per vn
lioynt title: Come si home
done terre a deux homes
& lour heires.

Mes Tenants en com-
mon sont lou ii. homes
out terres per seuerall ti-
tles, ou per seffement al
deux, a auer & tener lun
moitie al vn & ses heires,
& l'auter moitie al l'auter
& ses heires, en touts ceux
cases nul de eux scauoit
son seuerall, come il serra
dit apres.

Et nota si sont deux
ou trois ioyutenants,
& vn ad issue & deuie,

declaration, and is not in
wayes done directly by the
Queene, or her Atturney,
but rather by some other
man, who sueth or infor-
meth as well for himselfe
vpon the breach of some
penall lawe or Statute,
wherein a penaltie is gi-
uen to the partie that will
sue for the same, but no
action of debt to reouer
it, then it must be had by
information.

Ioyntenants.

Ioyntenants be wher two
men come to any landes &
tenements by one ioynt ti-
tle: As if a man give
landes to two men and to
their heires.

But Tenants in com-
mon bee wher two men
haue landes by seuerall ti-
tles, or by seoffement to it,
to haue & to holde the one
halfe to one & his heires,
& the other half to another
and his heires, in all these
cases none of them know-
eth his seuerall, as it shall
be said after.

And note wel, if there be
two or three ioyutenants,
and one hath issue & dyeth,
then

then hee and those ioyntenaunts that ouerline shall haue the whole by the suruiuor.

But if two ioyntenaunts make partitō between the by deed by agreement, then they be seuerall tenants.

But if one ioyntenaunt graunt that that belongeth to him to a straunger, then the other ioyntenaunt and the stranger be tenants in common.

And though two tenants in cōmon be seised thogh lie and of the whole, and none knoweth his seueral, yet if one die the other shall not haue the whole by the suruiuor, but his heir shall haue the halfe.

And so if there bee three ioyntenaunts, and one of them maketh seoffement of his part to another, and the seoffee dieth, then his heire shall haue the third parte, and the other two bee ioyntenaunts as they were, because that they two be seised by one ioint title.

Also if landes bee giuen to the Baron and to his wife, and the husband alisneth and dyeth, the wife

donques cestuy ou ceux iointenants que suruesque auera lentiertie per le suruiuor.

Mes si deux iointenāts font partition enter eux p fait p agreemēt donques ils sont seueral tenants.

Mes si vn iointenaunt graunt ceo que a luy appent a vn estranger, donques l'auter iointenant & le stranger sont tenants en common.

Et mesque ij. tenants en common sont seysie per my & per tout, & nul conust son seueral, vncore si vn deuie, l'auter ne auera lentiertie per suruiuor, mes son heire auera le moitie.

Et issint si sont iii. iointenants, & vn de eux fait seffement de son part a vn autre, & le seffee deuie, donques son heire auera le tierce part, & les autres ii. sont iointenants come ils fueront, pur ceo que eux deux sont seisies per vn ioint title.

Auxy si t're soit done al baron & sa feme, & le barō alien & deuie, le feme recouera

The Exposition of

recouera lentiernie: mes si
ils fueront iointenâns de-
uant le couerture, don-
ques en quel case el reco-
uera forsque le moitie.

Auxy si terre soit done
al baron & sa feme, & al
tierce person, si le tierce
person graunt ceo que a
luy appent, la moitie pas-
sa per cel graunt, pur ceo
que le baron & sa feme
sont forsque vn person en
le ley, & en cest case ils
nont en droit forsque le
moitie.

Auxy si deux ioynte-
nâns sont des t'res en ville
que est borough English,
lou terre est deuisable, &
lun per son testament deu-
ise ceo que a luy appent
a vn estranger & deuie,
cest deuise est voide, & le
auter auera lentiernie per
suruiuer, pur ceo que le
deuise ne poit prèder ef-
fect ranque apres le mort
le deuisor, & immediate
apres le mort le deuisor,
le droit deuient al auter
iointenânt per le suruiuer,
le quel ne clame n'ès p le
deuiseur mes en s' droit
demesne per le suruiuer:

shal recouer the whole: but
if they were iointenans
before the couerture, then
in such case shee shall reco-
uer but the halfe.

Also if land be giuen to
the husband & to his wife,
and a third person, if the
third person graunt that
that belongeth to him, the
one halfe passeth by this
grant, for that, that the ba-
ron & his wife be but one
person in the lawe, and in
this case they haue no-
thing in right but $\frac{1}{2}$ halfe.

Also if two iointenants
be of landes in a Towne
which is borough Eng-
lish, where lande is deuisi-
ble, and one by his testa-
ment deuise that, that
belongeth to him to a strā-
ger and dieth, this deuise
is void, and the other shall
haue the whole by surui-
uor, for that the deuise may
not take effecte till after
the death of the deuisor,
and immediate after the
death of the deuisor, the
right cometh to the other
iointenant suruiuer, the
which claymeth nothing
by the deuisor but in his
own right by the suruiuer:

But

But other wise it is of
Darceners seised of lands
deuisable, causa qua supra.

Indicauit.

Indicauit is a writ, and li-
eth where debate is be-
twene ij. Clerkes in court
Christian of one Church,
or part of a Church, for
dismes which amounteth
at the least to the value of
the iij. part of the Church,
or for that that the patron
of the Clerke of the desen-
dant shall lesse his aduow-
son if the clerk of the plain-
tife shall recover it, he shall
haue a writ directed to the
clerke of the plaintife, or to
the officers of the Court
christian, them commaun-
ding to cease their plee, un-
till it is discust in the
Kings court to whom the
aduowson belongeth, And
the writte shalbe betwene
fower persons, two shalbe
patrons, and two shalbe
clerkes. But this writ is
not returnable: but if they
cease not their suit, he shall
haue an Attachment.

272 Iointure.

Iointure is an estate and
assurace made to a wo-
man in consideration of ma-

Mes autermét est de Par-
ceners seises des tres de-
uisables, causa qua supra.

Indicauit.

Indicauit est vn brieve &
gist lou debate est per-
enter deux Clerkes en
court Christian d'un Es-
glise, ou part de vn Es-
glise pur dismes q amoūt
al meines a le value de la
quart part del Esglise, &
pur ceo q le patron del
Clerk le defendaunt per-
dra son aduowson, si le
clerke le plaintife la re-
counera, donques il auera
brief direct al Clerke le
plaintif, ou al officers del
court Christian, eux co-
maundant de cesser de
leur plee, iesques il est
discusse en court le Roy a
q l aduowson appent, Et
cest brief serra enter qua-
ter persons, deux seront
patrons, & deux seront
clerkes. Mes cest brieve
nest returnable: mes s'ils
ne cessent leur suit il aua
vn Attachment.

Iointure.

Iointure est vn estate &
assurace fait al vn feme
en consideration de ma-
riage

The Exposition of

riage pur terme de sa vie, ou autrement, come est mention en lestatute 27. H. 8. ca. 10. soit il deuant ou apres le mariage. Et si soit apres le mariage, dōques el soit a sa libertie apres le mort de son baron refuser de prendre, ou auer les terres issint assure pur sa iointure, & demaund sa dower al cōmon ley : Mes sil soit fait deuant mariage, dōques el ne soit refuser tiel iointure, ne auer dower accordant al cōmon ley, sinon q̄ quant el port sa brieſe de Dower, le defendāt pled tiel plee que ne voile luy barrer de sa dower, donques el serra endow : Sicomme il dit en barre, q̄ la baron ne fuit seisi de tiel estate de quel el doit este endow, ou ascun tiel plee, & ne monstre que el ad vn iointure fait &c. & pur ceo demaund iudgement de cel action, ou iudgement si el serra auxy endow, ou ascun tiel semblable plee &c. Et ceo fuit lopiniō de le droit worshipful M.

riage for terme of her life or otherwise, as is mentioned in the statute 27. H. 8. cap. 10. whether it be before or after the marriage. And if it be after the marriage, then shee may at her libertie after the death of her husband refuse to take or haue the landes so assured for her iointure, & demaund her dower at the common law : But if it be made before marriage, then shee may not refuse such iointure, nor haue dower according to the common law, vnlesse that when she bringeth her writte of dower, the defendant pleadeth such a plea that will not barre her of her dower, then she shalbe endowd : As if he say in barre, that her husband was not seised of such estate whereof she might be endowd, or anie such plea, & doth not shewe that shee hath a iointure made &c. and therefore demaundeth iudgement of that action, or iudgement if shee shalbe also endowd, or anie such lyke plea &c. And this was the opinion of the right worshipfull Master

Brocgraue,

Brograue, at his Reading in Graues Inne in summer An. 1567. 18. Eliz. by a branch of the Statute made An. 27. H. 8. ca. 10. concerning iointures & dowers.

And by him of those things whereof a woman may bee endowd, shee may haue iointure as of mines, besturam terre, woodes, Townes, Iles, Meadows, and suchlike. Also of an aduowson, of a reuersion depending vpon an estate for life, of a windmill, a high Chamber, a rectorie and such other, and they are called Tenementes. Also of a villen, for hee is an hereditament. And of all these profite may come to the woman. But of those thinges whereof no profite will come, but rather a charge, a iointure cannot be made.

Brograue, al son lecture en Graues Inne en Summer An. 1567. 18. Eliz. sur vn brâch, del statute fait An. 27. H. 8. ca. 10. concernât iointures & dowers.

Et per luy de ceux choses de que vn feme port este endowe, el port auet vn iointure, cõe de mines, besturâ terre, boies, villes, Iles, meadowes, & tyels semblables. Item dun aduowson, dun reuersion dependaunt sur vn estate pur vie, dun Windmill, vn haut chamber, vn rectorie & tiels auters, & ils sont appels tenements. Item dun villen, car il est hereditament. Et de tous ceux profit poet uenir al feme. Mes de ceux choses de que nul profite voet uenir, mes plustost vn charge, vn iointure ne poet este fait.

L.

Theft.

283
Theft, is a wrongfull taking awaie of an other mans goods, but not from his person, with a minde to steale them, a-

L.

Larceny.

Larceny est vn torceuous prisell des biens dun autre home, mes nemye de son person, oue vn ment de eux embleer encounter

counter son volunt que
biens ils fueront.

Et larceny est en deux
sorts, lun ilzint appelle
simplement, & l'auter pe-
tit larceny.

Le primer est lou le
chose emblee exceda le
valite de xij. d. & ceo est
felony.

Le auter (que est appell
petite larceny) est lou le
chose emblee, ne exceda
le value de xij. d. & ceo
nest felony.

284 Lastage.

Lastage, hoc est quietu
esse de quadā cōsuetu-
dine exacti in mūdiniis
& mercatis pro rebus ca-
riandis vbi homo vult.

285 Leases.

Leases sont grāts ou de-
mises p vn q ad alcun
estate in heredit de, ceux
hereditants al auter pur
meinder tēps, & ceo sont
en diuers māners, cest as-
cauoir, pur terme de vie,
pur terme dās, pur terme
d'auter vie & a volunt.

Auxy vn lease de terre
est auxy bone sans faye
come per faye.

Mes en leas pur terme

gaynst his will whose
goods they were.

And thesle is in two
sorts, the one so called sim-
ply, and the other petty or
little theft.

The first is where the
thing stolē excedeth þ va-
lue of xij. d. & that is felony.

The other (which is
called little or petite theft)
is where the thing stolen
boeth not excēde the va-
lue of xij. d. and that is no
felony.

Lastage.

Lastage, that is to be quif
of a certāne custome ex-
acted in faures & markets
for carrying of thinges
whete a man will.

Leases.

Leases be grānts or de-
mises by one which hath
any estate in any heredita-
ments of thole heredita-
ments to an other for a les-
ser time, and they be in di-
uers maners, that is to say
for terme of life, for terme
of pēres, for terme of an o-
thers life, and at will.

Also a lease of lande is
as good without deede as
with deede.

But in a lease for terme
of

of life, it behoueth to giue haerte and seisin vpon the lande, or else nothing shall passe by the grant, because that they bee called freeholders.

Also a lease of a common or rent, may not bee good without deede.

But of a Parsonage, it is good without deede, for that that the Church which is the principall, may passe well ynough without deede, and so the dislines & offerings which bee as accessarie to the Church.

But dislines & offerings by the life may not be let without deede as it is said.

286. Lessor and Lessee.

Lessor, is hee that lesseth landes or tenements to an other for terme of life, yeeres, or at will; and he to whom the lease is made, is called lessee.

287. Leuant & Couchant.

Leuant and Couchant is saide, when the beastes or Cattell of a Stranger are come into an other mans ground, and there haue remained a certaine good space of time.

de vie, il couient de donner liuery & seisin sur le terre, ou autrement riens passera p le grant, pur ceo que ils sont appels frank-tenements.

Auxy vn leas de vn common ou rent, ne poiet estre bone sans fait.

Mes de vn parsonage, il est bon sans fait, pur ceo que lesghise que est principall, puit assers bien passer sans fait, & issint les dislines & offerings que sont come accessory al esghise.

Mes dislines & offerings per toy, ne poyent estre lettes sans fait vt dicatur.

286. Lessor & Lessee.

Lessor est celuy que lessa terres, ou tenements al auter pur terme de vie, ans, ou al voluat, & celuy a que le leas est fait, est appell lessee.

Leuant & Couchant.

Leuant & Couchant, est dit, quant les beastes, ou Catrell dun estraunger sont venue en le terre dun auter home, & la ont remaine vn certaine Bone space de temps.

Q.i.

288 Ley

The Exposition of

288

Ley.

Ley est quant action de det est port vers vn sur ascun secret iudgement ou contract ewe perenter les parties sans especialty monstre, ou auter matter de Record, come action de detinue pur ascun biens ou chattels, dōque le defendant poit gager son ley, sil voise, cestallauoir, de iurer sur vn lieur, & certeine persons ouc luy, que il ne deteyna les byens, ou doit riens al plaintife in le manner & fourme come il ad declare.

Et cest allowe solement in cases de secrecie ou le plaintife ne poit prouer le surmise de son luit per ascun fait ou ouert act: ou le defendant poit ceo discharge secretmēt perenter eux sans ascū escript de acquitance ou publique acte, & pur ceo en action de det sur vn leas pur terme dans ou sur arerages de accompt deuant Auditors assign, hōc ne gagera son ley.

Mes quant vn gagera

Ley.

Ley, is when an action of debt is brought agaynst one vpo some secret iudgement or contract had betwene the parties without especialty shewed, or other matter of Record: as in an action of Detinue for some goods or chattels lent or left with the defendant, then the defendant may wage his lawe, that is to say, to sweare vpon a booke and certaine persons with him that he detryneth not y goods or owerth nothing to the plaintife in manner and forme as he hath declared.

And it is allowed onely in cases of secrecie where the plaintife cannot proue the surmise of his luit by any deed or open acte: or the defendant might discharge it priuily betwene them without any writing of acquitance or publique act, and therfore in an actiō of debt vpon a leas for terme of yeeres or vpon arerages of accōpt before Auditors assigned a man shall not wage his Law.

But whē one shal wage his

his law he shal bring with him viij. or xij. of his neighbours as the Court shal assigne him, to sweare with him, much like unto the othe which they make which are used in the common lawe to purge others of any crime laide against them, which are called cō-purgators.

Note that the making of the othe is called waging of lawe, And when this is accomplished, then is it called the doing of your law.

And also if the Sheriffe in any action returne that he hath summoned the defendaunt to appeare in Court at anie daye, to answer the plaintife, at whiche daye hee maketh default, the processe shal be awarded agaynst him to come & saue or excuse his default: which is as much to say, as to excuse the delay, or otherwise to lose the thing demanded, And then the def. commeth and will sweare that hee was not summoned, which is called waging of lawe, & if he ought to doe it at the day

son ley, il amesnera ouesque luy vi. viii. ou xii. de ses voisins, come le Court luy assignera, de iurer ouesque luy, mult semble al serement que eux fesoient que sont v-ses in cōmon ley, de purger auters de alcu crime al eux impute: q̄ sont appell cōpurgators.

Nota que le fclans del serment est appell le gager del ley, & quant il est accōplish, donque est appell le fclans del ley.

Et auxy si le Vicount in ascun action returne que il eit summon le defendaunt de appeare in Court a ascun iour a responder le plaintife, a quel iour il fait default, proces sera agard vers luy de vener & saue, ou excuser son default: que est a tant a dire, come purgare moram, ou au-ternēt de perdre le chose demaunde: Et donque le defendaunt vient & voit iurer que il ne fuit summon, que est appell gager de ley, donque il doit ceo faire al iour

Q. ij. assign-

The Exposition of

assigne oue xii. auters ; & en fessant del ley il doye son serement affirmer directment al contrary de ceo que est impute a luy, mes lauters ne dira, mes que eux intend que il dit le verity.

189. Libertate probanda.

Libertate probanda. Vnde de ceo en le title de Natus habendo.

190. Liuerie de seisin.

Liuerie de seisin, est vn ceremony vse en conueyance de terres ou tenements lou vn estate en fee simple, fee tayle, ou vn franktenement passe : Et il est vn tesmoigne de le voluntary departing per luy que fait le liuerie del chose de que liuerie est fait : Et le receite del liuery est vn voluntary acceptance per le auter party, de tout ceo de que lauter ad luy dismis. Et fuit inuēt cōe vñ oūert & notorious chose, p̄meanes de q̄ le cōmon people poiet auer intellegēce de passing ou alteration de estates de hōd al

assigned with testimonies of others; And in doing of his lawe he ought vpon his othe assurance directly the contrary of that which is imputed to him; but the others shall not say, but that they thinke that he saith the truerh.

Libertate probanda.

Libertate probanda, loke for that in the title de Natus habendo.

Liuerie of seisin, is a ceremony vñ conueyance of lands or tenements where an estate in fee simple, fee tail, or a freehold shall passe: and it is a testimony of the willing departing by him who makes the liuery from the thing whereof liuerie is made: And the receiting of the liuery, is a willing acceptance by the other party, of all that whereof the other hath dismissed himselfe: And was inuēnt as an open and notorious thing, by meanes whereof the common people might haue knowledge of the passing or alteration of estates from man to man,

man; that thereby they might be the better able to trie in whom the right and possession of landes and tenementes were; if they should bee unpanelled in Iuries; or otherwise haue good concerning the same.

The common manner of deliuerie of feysins after this sorte done: If it bee in the open field where is no building or house, then one that can reade taketh the writing in his hande, if the estate shall passe by dede, and declareth to the standers by the cause of their meeting there: together, and then openly readeth the dede, & do declare the effect thereof in English; and after that it is readen, the partie who is to depart from the ground, taketh the dede in his handes, together with a clodde of the earth, and a twigge or bowe if any be there; and all this he declineth to the other partie in the name of possession or feysin; according to the forme and effect of the dede. which before

home, que per ceo ils poient estre le meliour able pur trier en que le droit & possession de terres & tenementes fueront, s'ils doient estre impanel & iures, ou autrement ont a faire, concernant ceo.

Le common maniere de liuerie de feysin, est en cest sort fait. S'il soit en le ouert champ ou ne soit edifices, ou maison, donques vn que poist lyer prist le fait en son maine, si l'estate passera per fait, & declare a eux que la soit, le cause de leur uener la ensemble; & donques ouertement lyale fait, ou declare le effect de ceo en Englois, & apres que il est feald le partie que est a departir ou le terre, prist le fait en les maines ensemble ouelsq: vn clodde del terre, & vn twigge ou bowe, s'il y ad aucun la, & tout ceo il deliuer al autre partie, en le nomme de possession ou feysin accordant, al forme & effecte del sayt, que de-

Qui.

uant

The Exposition of

nāt eux fuit la lye ou de-
 clare. Mes sil soit vn habi-
 tation ou edifice sur le
 terre, donques ceo est fait
 la a le doore del ceo, nul
 esteant relinquishe a cest
 temps deins le meason;
 & le partie deliuer tout
 les auantdites ensemble
 ouesque le annell del
 doore en nosme de sey-
 sin ou possession, & il
 que receiua le liuerie
 entra primes sole &
 shota le doore, & pre-
 lentmēt ouert ceo, & les-
 sa eux eins &c. Sil soit
 de vn meason a que est
 nul terre, le lyuerie est
 fait & possession prise
 per le deliuerie del an-
 nuell del doore & fait
 solement. Et ou il est
 fauns fait de terres ou
 tenements la le partie de-
 clare p parol deuant test-
 moignes, lestare q il en-
 tende de departer oue, &
 donques deliuer seisin ou
 possession, en maner cōe
 est auantdist, & issint le e-
 re ou tenement passera
 cybien lou il nad fait,
 come per fait, & ceo per
 force del liuerie de seisin:

them was there read or de-
 clared, But if there be a
 dwelling house or building
 upon the land, then this is
 done there at the doore of
 the same, none being left
 at that time within the
 house, and the partie de-
 liuereth all the above said
 together with the ring of
 the doore in the name of
 seisin or possession, and he
 that receiveth the liuerie
 entreteth in first alone and
 shutteth too the doore, and
 presently openeth it again,
 and letteth them in &c. If
 it be of a house where is
 no land or ground, the
 liuerie is made and posses-
 sion taken by the deliverye
 of the ring of the doore and
 dede onely. And where
 it is without dede either
 of land or tenements,
 there the partie declareth
 by worde of mouth before
 witnesse, the estate that he
 meaneth to departe with,
 and then deliuereth seisin
 or possession in maner as is
 before said: and so the land
 or tenement both passe as
 well where there is no
 dede as by dede, as that by
 force of the liuerie of seisin:

It was agreed in Graies
Inne by the right wor-
shipfull M^r. Snagge, al son
at his reading there in
summer Anno 1574. that
if a feoffor deliuer the deed
in view of the lande, in
name of seisin, that it is
good, because that he hath
a possession in himself. But
otherwise it is of an At-
turney, for hee must goe to
the land and take posses-
sion himselfe before that hee
can giue possession to ano-
ther, according to þ words
of his warrant &c. And
where liuerie of seisin is
by viewe, if the feoffor doe
not enter after &c. nothing
passeth, for he ought to en-
ter, under de. 291. Loth-
erwite.

L Othervite, that is that
you may take amendes
of him which hath defile
your bondwoman without
your licence.

M.
292. Mahim or Maime.

M Ahim, is where by the
wrongfull act of ano-
ther, any member is hurt
or taken away, whereby
the partie so hurt is made

Il fuit agree en Graies
Inne per le droit wor-
shipful M^r. Snagge, al son
lecture la en sommer
An. 1574. que si vn feof-
four deliuer le fait en
view del terre, en noime
de seisin, que il est bone,
pur ceo que il ad vn pos-
session en luy mesme.
Mes autrement est dun
Attorney, car il doit aler
al terre, & prise posses-
sion luy mesme, deuant que il
poit doner possession al
auter accordant al parols
de son garrant &c. Et lou
liuerie de seisin est per le
viewe, si le feoffee ne en-
tra pas puis &c. nul cho-
se passia, car il doit enter
en fait.

Lothervite.
L Othervit, hoc est quod
capiatis emendas ab ip-
so qui corrumpit vestram
nativam sine licentia vestra.

M.
Mahim ou Maime.

M Ahim, est lou per le
torcious act d'auē aſ-
cun member est dampni-
fic ou tol, per que le par-
tie ainsi dāpnific est fait

Quij. im-

imperfect a cobater: Co-
me si vn osse soit prise
hors del test: ou vn osse
soit debruse en asc' autre
part del corps, ou vn pee,
ou maine, ou digit, ou
ioint dū pee, ou asc' mē-
ber soit sciet: ou per asc'
plague les nerues sōt fait
de shrinker, ou aut' mē-
ber, ou les digits fants cū-
rue, ou si vn oyl soit mis
hors, ou les anterior dē-
tes debruse, ou asc' autre
chose ē le corps dū hōe, p
raison de que il est fait de
mēas able pur defendre
liy, ou offed sō enemy.

Mes le soyer dun de vn
orill, ou nase, ou lēh ed
del dēt moliers, ou tiels
semblables, nest asc' ma-
hem, pur ceo q il est plus
en deformiey de le corps,
que vā defect del strength,
& ceo est communement
try per inspection del
partie per les Iustices. Et
si les Iustices sōt dōubt
si le lēh soit vn malhem
ou neqy, il s'vse, & vqz
lēd de lōur graund dil-
eration prenter le raide
& opinion de ascun erud
ite Sargion, pure et fid
-an

unperfite to fight: As if
a bone bee taken out of the
heade: or a bone be broken
in any other parte of the
body: or a fote, or hande,
or finger, or iointe of a
fote, or any member bee
cutte: or by some wounde
the sinewes bee made to
shynke, or other member,
or the fingers made cro-
ked, or any other be hurt
out, or the foperately hō-
ken, or any other thing
harte in a mans body by
meanes whereof hee is
made the lesse able to de-
fend himselfe against his
enemy.

But the cutting off of
an care, or nose, or brea-
king of the hynder teeth,
or such like, is no maim;
because it is rather a de-
formitie of the body, then
diminishing of strength;
and that is commonly
tryed by beholding the
partie by the Iustices.
And if the Iustices stand
in doubt whether the hurt
be a maim or no: they
wyl wyl of their great
discretion take the helpe
and opinion of some skilful
Surgeon, to consider
thercof,

thereof, before they deter-
mine upon the case.

293. **Mainprise.**

Mainprise, is when a man
is arrested by a byass,
then the Judges may de-
liver him to certain
men for to keepe: and to
bring him before them, at
a certaine daie, and these
be called in quip-moors,
and if the party appear not
at the day assigned, the main-
prisors shalbe amerced.

294. **Mannour.**

Mannour, is a thinge
comprised of divers
things, as of a house, land
arable, pasture, hedge,
dowe, wood, rent, &c. &c.
son, court baron, and such
like make a Mannour. And
this ought to be by long
continuance of time, to the
contrario whereof maner
more cannot be discerned: for
in this daye a Mannour
cannot be made, because
a Courte Baron cannot
now be made, and a Man-
nour cannot be without a
Courte Baron, and suers
of freeholders, two at the
leaste, for if all the free-
holders except one richen

de ceo deuant que ils de-
terminent sur le case.

Mainprise.

Mainprise, est quant un
homme est arresté par Ca-
pias, donc les iudges poi-
ent deliurer son corps à cer-
tain homes pour garder &
de luy amener deuant eux
à certain iour, & ceux sont
appeles mainprisors, & si
le party ne appear al iour
assigné, le mainpornours
seront amercé.

Mannour.

Mannour est une chose
composée de divers
choises, come de un me-
son, terre arable, pasture,
preu, bois, rent, auowson,
court baron, & tel sem-
blable font un manor. Et
ce doit estre per ancient
continuance de temps, con-
trario memoria
hominum non existit: car d
ceo iour un manor ne
peut estre fait par ceo q un
Court baron ne peut estre
faict ore, & un manor ne
peut estre sans un court
baron & suers ou fraktes-
nants, deux al meins, car
si toutes les franketene-
ments forsque un dicheat

al

The Exposition of

al Seign, ou sil purchase tout preter vn, la son manor est ale, pur ceo que il ne poit estre vn mannor sans vn Court Baron (cōe auantdit.) Et vn court baron ne poit estre tenuz mes deuāt suters, & nemy deuant vn suter, & ideo lou forsq; vn fraktenant ou frakc est, la ne poit estre manor propriēt, comēt en common parlāce ceo poit estī appel vn manor.

295 Manumission.

MANUMISSIO, est ē deux sorts, le vn est vn manumission explicita, laut vn manumissio implicita.

Manumission explicita est quant le Seignior fait vn fait al son vilaine pur luy enfranchiser p cest parol (Manumittere) quod idem est quod extra manum vel extra potestate alterius ponere.

Le manner de manumitting ou enfranchising en tēps passé plus vsualment fuz issint: Seignior (en presence de ses vicines) prist le vilaine per le test d'ant, lēo voile

to the Lord, or if he purchase all except one, then his manor is gone, for that it cannot be a manor without a court Baron (as is aforesaid.) And a Court Baron cannot be holden but before suters, and not before one suter, therefore where but one freeholder or freeholders is, there cannot be a manor properly, although in common speech it may be called a manor.

Manumission.

MANUMISSIO, is in two sortes, the one is a manumission expressed, the other a manumission implied or secreet.

Manumission expressed is when the Lord maketh a dette to his vilaine to enfranchise him by this word (manumittere) which is as much to say, as to let one go out of another mans handes or power.

The manner of Manumitting or enfranchising in olde time most vsually was thus: The Lord (in presence of his neighbours) took the bondman by the head saying, I will that

that this man be free, and
therwith shoud them for-
ward out of his handes, &
by this hee was free with-
out more doo.

Manumission implieth
without this word (Ma-
numittere) is when the
Lorde maketh an obliga-
tion to his villeine to paye
him money at a certaine
day, or sueth him where
hee might enter without
suit, or graunteth vnto
his villeine an annuittie,
or leaseth lande to him by
verbe forperes, or for life,
and in diuers such like
cases, the villeine thereby
is made free.

que cest home soit frank,
& oue ceo al luy mise a-
uant hors de ses maines,
& per ceo il fuit franke
sans ascun plus faire.

Manumission implieita
sans cest parol (Manu-
mittere) est quant le seig-
nior fait vn obligation a
son villeine a payer a luy
money al vn certain iour,
ou luy sue pour il poit en-
ter sans suit, ou granta al
son villeine vn annuytie,
ou lessa terre a luy p fait
pur ans, ou pur vie, & en
diuers tiels semblables
cases, le villeine per ceo
est fait franke.

296 **Maximes.**

Maximes be the founda-
tions of the lawe, and
the conclusions of reason,
and are causes efficient,
and certaine ynniesall
propositions so sure and
perfect, that they may not
be at any tyme impeached
or impugned, but ought
alwayes to bee obserued
& holden as strong prin-
ciples and authorities of
them selues, although

Maximes.

Maximes sont les foun-
dations del ley, & les
conclusions de reason, &
sont causes efficient, &
sont causes vnuerfall propo-
sitions, cy sure & perfect
que ils ne poyent este a
ascun teins impeach ou
impugne, mes doyent
touts foits este obserue &
tenus come fort princi-
pels & auctorities de
luy mesme, nient obstant
als

The Exposition of

381

ils ne peuvent estre prouue
per force de argument
ou demonstration logi-
cal mes sont connus per
induction per le voy de
sence & memoire. Come
pur exemple il est vn
Maxime que si vn home
ad issue deux frs per di-
uers venters, & le vn de
eux purchas terres en fee
& mortu sans issue, lau-
ter frs ne vaques serr son
heire &c.

Item il est vn aut max-
ime que terres descen-
dra del pere al frs & mes
nemy del frs al pere, car
ceo est vn ascension &c.
Et diuers tiels semblables
il y ad.

they cannot bee proued by
force of argument or de-
monstration logical, but
are known by induction
by the way of sence and
memoire. As for exam-
ple, it is a Maxime that if
a ma haue illu two sonnes
by diuers women, and the
one of them purchas
landes in fee and dyeth
without issue, the other
brother shall neuer bee his
heire &c.

Also it is another max-
ime that lands shall descen-
d from the father to y sonne,
but not from the sonne to
the father, for that is an
ascension &c. And diuers
like there be.

Mynour.

297. **Maynour.**
MAynour, est quant vn
laron ad emblee &
est pursue ouc hue & cris
& prise, ayant ceo troue
oucq luy q il ad emblee
ceo est appelle maynour.
Et issint nous comune-
nt vlc pur dire quant nous
trouemus vn felant de vn
illoyal act, que nous luy
prist quelque le maynor,
ou mapour.

MAynour, is when a
thiefe hath stolen, and
is followed with hue and
crye and taken, having the
sourd about him which he
stole, that is called y may-
nour. And so for common-
ly vnto sorye, when we
finde any doing of an il-
lawfull act, that we take
him with the mapour, or
mynour.

Main-

128 Maintenance.

Maintenance, is where any man giueth or detraeth to another that is plaintife or defendand in any action, any summe of money or other thing for to maintaine his plee, or is maketh extreme labour for him when he hath nothing therewith to doe, then the partie grieved shal haue a writt called a writt of Maintenance.

129 Mesne.

Mesne, is where the owner of landes or tenements holdeth of one by certayne seruices, and hee holdeth them of another by like or other seruices, then hee which holdeth the lands is called tenant per anuile, and he of whome it is held is called Mesne, & he of whome the Mesne holdeth, is called cheefe lord. And in this case if the lord aboue distraineth the tenant for the seruice of the Mesne, which ought to acquite him to the lord aboue, then the tenant shal haue a writt against the Mesne, which is called a writt of

Maintenance.

Maintenance est lou afcun home done ou deliuer a vn auter que est plaintife ou defendand en ascun action, ascun summe d'argent ou auter chose pur maintenir son plee, ou fait extreme labour pur luy qu'il n'ad riens a ceo faire, donq; l'auter partie greeue auera vers luy vn brieffe appel brieffe de Maintenance.

130 Mesne.

Mesne, est lou le owner del tres ou teints ceux del tres ou teints ceux teigne de vn per certayne seruices, & il ceux tenoyt de vn aut. p. autiels ou aut seruices, la cestuy q. tiene les terres est appel tenant per anuile, & cestuy de que il teigne est appel mesne, & cestuy de que le mesne tenoit est appel seignior paramont. Et en cest case si le seignior paramont distrein le tenaunt pur les seruice le mesn q. luy doit acquite al seignior paramont, donques le tenaunt auera vn bf vers le mesne, que est appell brieffe de mesne.

The Exposition of

mesme, & si il ne vient pur
acquiter le tenant, donq;
le mesme perdra le seruice
le tenant & serr' foriudge
de seigniorie, & le tenant
serra tenaunt immediate
al chiefe seignior, & fra
mesmes les seruices &
suites come le mesme fist
al seignior.

Mesme, & if he come not to
acquite the tenant, then the
mesme shall lose the seruice
of the tenant & shall be for-
iudged of his seigniorie, &
the tenant shall be tenant
immediate to the chiefe
lord, & shall do the same ser-
uice & suites as the Mesme
did to the Lord.

300 Misprision.

Misprision, est quant al-
cun sceit que vn au-
rer ad fait treason ou fe-
lony, & il ne voise luy dis-
couer al Roigne, ou sa
Counsell ou a aucun Ma-
gistrate, eins concela son
offence: Diuers auts of-
fences sont appel mispri-
sion, sicome vn Chapleine
ad fixe vn auncient seale
dun patent, a vn nouel
patent de Non residence,
& ceo fuit ten^r deste Mis-
prision de treason tantu,
& nul counterfai^r del
seale del Roigne.

Item, si vn auter sceit
money destre faux, &
port ceo hors de Ire-
lande en Engleterre, &
vter ceo en payment,
ceo est forsque Mispri-

Misprision.

Misprision, is when one
knoweth that another
hath committed treason or
felony, and will not disco-
uer him to the Quene or
to the Council, or to any
Magistrate, but doth con-
ceale the same. Diuers o-
ther offences be called mis-
prision, as when a Chap-
leine had fixed an old seale
of a Patent to a new Pa-
tent of Non residence, and
this was holden to bee
Misprision of Treason
onely, and no counterfay-
tinge of the Quenes
seale.

Also if a man know mo-
ney to bee counterfait, and
bring the same out of Ire-
lande hyther into Eng-
land, and vter it in pay-
ment, this is but Mispri-
sion

tion of Treason, and no Treason, and so it is in diuers such like cases.

And in all cases of imprisonment of Treason, the partie offender shall forfeite his goods for ever, and the profits of his lands for terme of his life, & his body to prison at the Queens pleasure.

And for Misprision of felony or trespass, the offender shall be committed to prison until he haue found sureties or pledges for his fine, which shall be assessed by the discretion of the Justices before whom he was convicted.

And note that in euery Treason or felony is included Misprision, & where any hath committed treason or felony, the Queene may cause the same to be indicted & arraigned but of Misprision only if she wil. See more hereof Stamf. forð his first booke.

sion of Treason, & nemy Treason, & issint est en diuers tiels sēblabl' casēs.

Et en toutes casēs de Misprision de treason le partie offender forsaitera ses biens a tous iours, & les profits de ses terres pur terme de son vie, & son corps al prison, al pleasure del Roigne.

Et pur Misprision de felony ou trespass, le offender serra cōmit al prison, tanqu'il ad troue sureties ou pledges pur son fine, q̄ serra assesse per le discretion de les Iustices deuant q̄ il fuit conuict.

Et nota que en chescun treason ou felony, est include Misprision, & lou aucun ad fait treason ou felony, le Roigne peut causer luy destē indūte & arraigne fors q̄ de misprision solement sil voile. Vide plus de ceo Stamf. lib. i.

301 Shewing of deedes
or Recordes,

Shewing of deedes or Recordes, is, as if for example, an action of debt

Monstrance de faits
ou Records.

Monstrance de faits ou Records, est sicōe pur exāple, yn action de debt, soit

soit port enuers vn sur vn obligation per vn ou per executors &c. la apres que le plaignif ad declare, il doit monstre son obligation, & le executor le testament al court, & issint est de Records.

Et le diuersite perentier Monstranee de fautes ou Recordes, & oyer de faits & Records, est issint, il que plede le fait ou record, ou declare sur ceo, a luy il appertaine de monstre ceo. Et lauter vers que tiel fait ou record est plede ou declare, & est per ceo de se charge poyt demand oyer de ceo fait ou record, que son aduersarie port, ou plead vers luy.

302 Mortdauncester.

Mortdauncester, vide de ceo deuant titulo Cofinage.

303 Monstrauerunt.

Monstrauerunt, est vn briefe, & gult pur le tenant en auncien demesne & est direct al

be brought against one by an obligation by one or by executors &c. there after that the plaignif hath declared, he brought to shewe his obligation, & the executor sh testamēt to the Court, & so it is of Records.

And the diuersite betweene the being of deeds or Records, & hearing of deeds or Records is thus: he that pleades the deeds or record, or declares upon it, to him it doth appertain to shewe the same. And the other against whome such deeds or record is pleaded or declared, is thereby to be charged, may demand hearing of the same deeds or record, which his aduersarie bringeth or pleadeth against him.

302 Mortdauncester.

Mortdauncester, Looke therfore in the title Cofinage.

303 Monstrauerunt.

Monstrauerunt, is a writ and it lyeth for the tenant in auncien demesne, and is directed vnto the lord,

lord, him commaunding that he distrain not his tenant for to do other seruice that he ought not to doe, and they may haue this writ directed to the shirife that he suffer not the lord to distraine the saide tenants for to doe other seruice. Also if the tenants cannot bee in quiet they may haue an attachment against the lord to appeare before the Justice, & all the names of the tenants shall bee put in that writ, though but one of them be greued onely.

Also if any landes in auncient demesne be in variance betwene the tenants, then the tenant so greued shall haue against the other a writ which is called of Right close after the custome of the manor, and that shall bee alway brought in the lords court and there he shall declare in the nature of what writ hee will, as his case lyeth, and this writ shall not be remoued but for a great cause or no power of the Court.

Also if the Lord in

seignour, luy commaundant que il ne distraigne son tenant pur faire auter seruice q̄ faire ne duissēt, & ils poyent auer cest briefe direct al viscont q̄ il ne suffer le seignour a distraire les dits tenants pur faire auter seruice.

Auxy si le tenants ne poyent este en quiet ils poyēt auer vn attachment vers le seignior dapperer deuant les Iustices, & toutes les nosmes des tenants seront mise en le b̄r comēt q̄ forsque vn de eux soit greue solement.

Auxy si aueun terre en auncient demesne soit en variance enter les tenants donques le tenant issint greue auera vers auter b̄r quod vocatur Droit close secund' consuetudinem manerii, & ceo serra tous foits port en le court le Seign, & sur ceo il couterà en le nature de quel briefe il voit come son case gist, & cest briefe ne serra remoue sinon pur graund cause ou non power de Court.

Auxy si le Seignior en
R. i. auter

The Exposition of

auter lieu hors de aucten-
ent demefne diftraîne fon
tenant de faire auter fer-
uice quel ne doit, il aue-
ra brieſe de droit appel-
ne Inuiſte vexes, & ceſt vn
brieſe de droit patent que
ſerra trie per bartell ou
grand aſſiſe.

304 Mortgage ou Morgage.

Mortgage ou Morgage
eſt quant vn fait vn
feoffement a vn auter ſur
tel condition, que ſi le
feoffour paya al feoffee a
certain iour xl. li. dargēt,
que adonques la feoffour
puit reenter &c. en ceo
caſe le feoffee eſt appell
tenant en Mortgage. Et ſi
come vn home puit faire
feoffement en fee en mor-
gage, iſſint il puit faire
done en le taile, ou leas
pur terme de vie, ou pur
terme dans en morgage.
Et il ſemble que la cauſe
pur q il eſt appel Mort-
gage, eſt pur ceo q il eſ-
toit en auerouſſi le feof-
for voile payer al iour li-
mit le argent ou non, &
ſil ne paya paſſe, donq; la

another place out of aucten-
ent demefne diftraîne his
tenant to do other ſervice
ther he ought, he ſhal haue
a writ of right, called Ne
Inuiſte vexes, and it is a
writ of right patent which
ſhalbe tryed by bartell or
Grand aſſiſe.

Mortgage or Mor- gagel

Mortgage or Morgage is
when a man maacth a
feoffment to another on
ſuch condition, that if the
feoffour paye to the feoffee
at a certain daye xl. li.
of money, that then the
feoffour may reenter &c.
In this caſe the feoffee is
called tenant in **Mor-**
gagel. And as a man
may make a feoffment in
fee in **Morgage**, ſo he
may make a gift in taile,
or a leaſe for terme of life,
or for terme of yeres in
morgage. And it ſometh
that the cauſe why it is
called **Morgage**, is for
that it ſtandeth in doute,
whether the feoffour will
pay the money at the daye
appointed or not, and if
hee ſaie to paye, then the
land

lande which hee layde in gage vpon condition of payment of the money, is gone from him for cuer & so di ad to him vpon condition: but if he pay the money, then is the gage dead as to the tenant, that is to say, the feoffee, and for this cause it is called in Latine Mortuum vadium, as Master Littleton sayth, or rather mortuum vas, as I thinke.

Also if a feoffment be made in mortgage vpon condition that if the feoffour pay such a summe at such a day &c. And the feoffour dye before the day, then if the heire of the feoffour pay the same summe at the same day to the feoffee and the feoffee refuseth it, then the heire of the feoffour may enter, but in such a case, if there be no day of payment expresse, then such tender of the heire is hyde, for that that when the feoffour dyeth, the time of tender is past, or otherwise the heires of the feoffor shall haue time of the tender for cuer, which shall be inconuenient, that one

terre que il mit en gage sur condic' de paiement de de le money, est ale de luy a toutes iours, & isint mort a luy sur condic', & sil paya le money, donq; est le gage mort quant a le tenant cest ascauoir, le feoffee, & pur cest cause il est appel en Latine, Mortuum vadium, come Master Littleton dit, ou mortuum vas, cōc ieo pense.

Auxy si feoffement soit fait en mortgage sur condition que si le feoffour paya tiel summe a tiel iour &c. Et le feoffour morust deuant le iour vncore si l'heire le feoffour para m le summe a mesm la iour al feoffee, & si le feoffee ceo refusa donq; l'heire le feoffour poit enter, mes en tiel case si ne soit aucun iour de payment expresse, donques tiel tender del heire est voide pur ceo que quant feoffor morust le temps del tender est passé, ou autrement les heires le feoffor aueront temps del tender a tous iours que serra inconuenient q vn

The Exposition of

auera vn fee simple a luy
& a ses heires q̄ serra de-
feisable toutes foites a le
pleasure & volunt des au-
ters, mes en le prin case
le tēps del tender ne fuit
expire p la mort le seffor.

shall haue a fee simple to
him and to his heires
which shalbee defesible at
all times at the pleasure and
will of others, but in the
first case the time of tender
does not expire by death
of the seffor.

305. Moderata miseri-
cordia.

Moderata miseri-
cordia.

Moderata misericordia,
est vn brief & gift lou
home est amercy en court
Baron ou countie plus
que deuer este, donques
il auer cest briefe directe
al Viceont si soit en coun-
tie ou al Bailife si soit en
Court baron, eux com-
mandant que il ne luy a-
mercione, mes eient re-
gard al quantitie de tres-
pas, & s'ils ne font sur
cel briefe, donques ille-
ravers eux vn sicut alias
& causam nobis signifi-
ces & apres ceo vn at-
tachement.

Moderata misericordia,
is a writ, and it speth
where a man is amerced
in court Baron or county
more then he ought to be,
then he shal haue this writ
directed to the shirif if it be
in the county or to the bai-
liff if it be in the court ba-
ron comandng them that
he amerce him not, but ha-
ving regard to the quanti-
tie of the trespass, & if they
do not upon this writ, then
shal go forth against them,
a sicut alias, and Causam
nobis significes & after that
an attachment.

306 Mortmaine.

Mortmaine.

Mortmain est lou terres
sont dones a vn mea-
son de religio ou a vn aut
company que sont corpo-
rate per le graunt le roy,

Mortmaine, is where
lands be giue to a house
of religion, or to another
company which be incorpo-
rate by the kings graunt.

then the land is come into mortmaine, that is to saye in English, a dead hand, & then the king or the Lord of whome the land is holden, may enter as it appeareth by the Statute de Religiosis. Therefore see the statute. Also if one make a feoffment vpon trust to certain persons to the vse of a house of Religion, or to the vse of any guild or fraternitie corporate, then it shal bee laide mortmaine, and then hee shal run in the same paine, as it appeareth by the statute Anno, 15. R. 2.

donq; cest terre est deuennus en mortmaine, cest a dire en Angloys a dead hand, & donq; le roy ou le seign de q le terre est tenuis poit entercome ap-piert en lestatute de religiosis, ideo vide lestatute, Auxi si vn fait feoffement sur confidence a certaine persos al oepe de vn maison de religion, ou oepe de ascun gyld ou fraternitie corporate, donq; il serra dit mortmaine, & il encourage m le paine, vt patet per statut, Anno 15. Richardi 2.

307

Mulier.

Mulier, is a word bled in our law, but how actiue I cannot well learn: For according to the proper signification, Mulier is a defiled woman, like as it is bled by Vlpianus in a certaine place after this sort. If I thought that I had bought a Virgin when she was a despyed woman, the bargain was not good. Whereby you may see, that Mulier is a woman & hath had the company of a man.

Mulier.

Mulier, est vn parol vse en nre ley, mes come aptment, ico ne poy dire ne scay bien, Car accordat al proper signification, Mulier est femina corrupta, sicome il est vse per Vlpianus, en vn certaine lieu en tiel maner. Quod si ego me virginem emere putarem cu esset mulier, emptio non valebit. Per ceo poyes voyer, que mulier est vn fee q ad eu le company dun home:

R.iii.

Mes

The Exposition of

Mas a' relinquier le droit significatiō, Mulier est prise en nostre ley, pur yn q̄ est loyalmēt engender & nec: & est toutes dits vlc en cōparison d'uelq; vn bastard solemēt pur monstre vn difference parent eux, cōe pur exāple. Vn hōe ad vn fites p vn fēc deuant mariage, cē assu est appel vn bastard & il loial. Et aps il marry que le mīer del bastard, & ount vn auter fites, cest second fites est appel Mulier, cest adire loyall, & ferra heire al son pier, mes le auter ne poit este heire al ascun home, pur ceo que il n'est conus ne certeyne, en le iudgemēt del ley, que fuit son pere, & pur cest cause est dit, deste nullius filius, ou filius populi, & issint sans pere accordant al cestuy viele versēs.

Cui pater est populus, pater est sibi nullus & omnis.

Cui pater est populus, non habet ipse patrem.

Et toutes foies vous

But to leaue the right signification, Mulier is taken in our law for one that is lawfully begotten and borne; and is alwaies vsed in comparison with a bastard, onely to shew a difference betwene them, as thus for example, A man hath a sonne of a woman before marriage, that is called a bastarde, and by lawfall. And after he marieth, the mother of the bastard, and they haue another sonne, this seconde sonne is called Mulier, that is to say lawfull, and shall be heire to his father: but that other cannot be heire to anie man, because it is not knowne nor certeyne in the iudgemēt of the law, who was his father, and for that cause is said to be no māns sonne, or the sonne of the people, and so without father, according to these old verses.

To whom the people father is, to him is father none and all.

To whom the people father is, well fatherless he may him call.

And alwayes you shall finde

finde this addi: ion to the m
(Bastard eldest, & mulier
pongest) when they be co-
pared together.

308 Murder.

Murder, is a wilfull kil-
ling of a man upon ma-
lice forethought, and ser-
meth to come of the Sax-
on word Mordren which
signifieth: And Mordri-
dus, is the murdered euen
vntill this day amog them
in Saxonie, from whence
we haue most of our wordes
as hath bin often said. Or
it may be deriued of Mort
and dire, as mors dira: See
Scamford Pleees of the Co-
ron lib. 1.

troues cest additiō al.eux
(Bastarde eigne & mulier
puiſne,) quant ils ſount
compare enſemble.

Murder.

Murder est vn volūtarie
occider dun home sur
malice prepenſe, & ſen-
ſible de venger de le Saxon
paroll Mordren q̄ iſſint
ſignifie. Et Mordridus est
le murderer tāque al cest
iour ent eux en Saxonie,
de q̄ nous auomus muſtis
de noſtre parolx come ad
estre ſouent dir. Ou poſt
estre deriue de Mort &
dire, quaſi mors dira: Vi-
de Sr. Pleees de le Cor. li. 1.

N.

309 Natiuo habendo.

Natiuo habendo, is a
maſt, and it ſerth where
the villein or niefe of the
Lorde is gone from him,
then the Lorde ſhall haue
this writte directed to the
ſchirif that he make his
Lorde to haue his villeine
or niefe with al his goods.
Also in this writt more vil-
leins or niefs may not be
demanded then twayne,
but as many villeynes or

N.

Natiuo habendo.

Natiuo habendo, est vn
brieſe, & giſt lou-le
villein ou niefe dun ſeign
est ale de luy, donques le
ſeign auera cē brieſe di-
rect al vicount que il face
le ſeignior auer ſon vil-
leine ou niefe ouelque
touts ſes chateux. Auxien
ceſt brieſe pluſours vil-
leins ou niefs ne purront
eſte demands q̄ deux, mes
auxy pluſors villeins ou

R. iij. niefs

The Exposition of

niefes q. voient ensemb^l
poient port b^re De liber-
tate probanda. Auxy si vn
nief port b^riefe De liber-
tate probanda auant que
le seignior port cest brief
donques le villeine pl^r
ou nief seerra en peace
iesque al venue des ius-
tice, ou autrement son
b^riefe ne luy aidera.

Auxy si vn villeine ad
demurre en ancien de-
mesne p. vn an & vn iour
sans claime del Seignior,
dôques il ne poit luy sei-
ser deins le dit franchise.
310 Ne admittas.

NE admittas est vn brief
direct al Euesque al
suint de vn q. est patron de
ascun Eglise, & il doubta
que Leuesque veist col-
late vn son clerke, ou ad-
mit vn autre clerke pre-
sent p. autre home al dit
benefice: donques il que
ceo doubta auera cest
b^riefe de inhabiter le vi-
côe de collater ou admit-
ter ascun a son Eglise.

311 Non omittas prop-
ter libertatem.

NOn omittas ppter li-
bertatem est vn brief, &

niefes as will, tointly may
bring a writ De libertate
probanda. Also if a villeine
or nief bring his writ De
libertate probanda, before
that the Lord bring his
writ, then the villeine pl^r
shall be in peace till the
coming of the Justice, or
else his writ shall not helpe
him.

Also if a villeine have
carried in ancien times
one year and a day with-
out claime of the Lord, the
he cannot seize him in the
said franchise.

Ne admittas.

NE admittas is a writte
directed to the Bishop
at the suite of one which
is patron of any Church,
and hee doubteth that the
Bishop will collate one
his Clerke, or admit an o-
ther Clerke presented by
an other man to the same
benefice: then let that
doubteth it shall have this
writ to forbid the Bishop
to collate or admit any to
that Church.

Non omittas propter
libertatem.

NOn omittas propter li-
bertatem is a writ, and
it

It lieth where the Shirife returneth vpon a writ to him directed, that hee hath sent to the Bayliffe of such a franchise which hath returne of writs, and he hath not serued the writ, then the plaintife shal haue this writ directed to the Shirife, that he himselfe enter into the franchise and execute the kings writ.

Also the Shirife shall warne the Bayliffe that hee is to fore the Justice of the day contayned in the writte, and if hee come not and excuse himselfe, then all the writtes iudicials which shall passe out of the Kinges court during the same plee, shalbe writs De non admittas &c. and the Shirife shal make execution of them hanging that plee.

312 Negatiua pregnans.

Negatiua pregnans, is when an action or information, or such lyke is brought against one, & the defendant pleadeth in barre of the action, or otherwise, a negatiue plee, which is not so speciall

gist lou le Vicont retourne sur brieve a luy direct, que il ad maund al Bailife de tiel franchise q̄ auer retourne des briefes, & il nad serue le brieve, donques le plaintife auera cest brieve direct al Vicont, que il luy mesme enter en le franchise & execute le brieve le Roy.

Auxy le Vicont garnera le Bailife que il soit deuât les Iustices al iour contenu en le brieve, & si ne viêt & luy acquite, donques tous les briefes iudicials que passeront hors del Court le Roy durât mesme le plee, seront briefes de Non omittas &c. & le Vicont ferra execution de eux pendant cel plee.

(Negatiua pregnans.

Negatiua pregnans, est quant vn action ou informatiō, ou tiel semblable est port enuers vn, & le defendant plede en barre del action, ou autrement vn negatiue plee, que n'est cy special answer

The Exposition of

anſwere al action, mes que il enclude auxy vn affirmative. Come pur exemple: Si en brief de Entre in casu prouiso, port per cestuy en le reuerſion sur alienatiō per le tenant pur vie, supposant que il ad alien en fee (que est vn forfaiture de son estate) & le tenant al briefe dit, que il nad alien en fee, cest vn negative, en que est enclude vn affirmative: car nient obstant il soit veray que il nad alien en fee, vncore il poit estre que il ad fait vn estate en taile (le quel est auxy vn forfaiture) & donques le entree de celuy en le reuerſion est loyal &c.

Item en vn Quare impedit, le Roigne fist title de presenter a vn Prebēd, ratione que les temporalities de leuescherie fueront en sa maines per le mort de W. nuper Episcopi &c. Le defendant dist q̄ ne voida pas esteants les temporalities en les maines des Roign p le mort de W. cest vn

anſwere to the action, but that it includeth also an affirmative: As for example; If in a writte of Entre in casu prouiso, brought by him in the reuerſion vpon alienation by the tenant for life, supposing that he hath aliened in fee (which is a forfeiture of his estate) and the tenant to the writte sayeth that he hath not aliened in fee, this is a negative, wherein is included an affirmative: for although it be true, that he hath not aliened in fee, yet it may be that he hath made an estate in taile (which is also a forfeiture) and then the entree of him in the reuerſion is lawfull &c.

Also in a Quare impedit the Quene makes title to present to a Prebend, for that the temporalities of the Bishopricke were in her handes by the death of W. late Bishop &c. The defendant saith that it was not his due being the Temporalities in the Quenes handes by the death of W. this is a Negative

Negatiue preignans, for it may be in y^e Queens hāds otherwise then by the death of w. and it sufficeth the Queen if it be in her hāds by any means &c.

So it is where an Information was brought in the Eschequer agatnst J. S. for that he bought wool betweene sheering time and the Assumptiō such a pere of J. S. The defendant saith that he did not buy any of J. S. as it is alleadged &c. this is called a Negatiue preignans, for if hee bought it of anye other, yet he is culpable for the buying.

313 Ne iniuste vexes.

NE iniuste vexes, Lookie therefore befoze in the title Monstrauerunt.

314 Niese.

Niese, is a woman that is bounde, oz a villeine woman, but if she marrie a free man, shee is thereby made free, because that she and her husbande are but one person in lawe, and theer ought to be of the same nature and condition in lawe to all intents that her husbande is.

negatiue preignans, car il poit estre en les mains del Roigne, auterment que per le mort de W. & si suffist al Roigne si soit en sa mains &c.

Isint est lou vn Information fuit port in Scaccario vers l. S. pur ceo q il achate laines enter sheering temps & le Assumption tali anno de l. N. Le defendant dit quod non emit de l. N. come il est alleage &c. ceo est appel vn Negatiue preignans, car sil ceo achate de auter, vncore il est culpable pur le achater.

Ne iniuste vexes.

NE iniuste vexes, Vide de ceo deuant titulo Monstrauerunt.

Niese.

Niese, est vn feme que est bonde, ou vn villeine feme, mes si el marrie vn franke home, el est per ceo fait franke, pur ceo que el & son baron sont forsqe vn person en ley, & el couient estre de mesme le nature & condition en ley a tous intents come son baron.

Mes

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Mes le baron est frank a tous intents sans aucun conduction en ley, ou autrement: & ainsi per consequens, le feme comment est, & est frank accordat al nature de son frank baron, & donques si el soit vn foirs frank & clerement discharge de villeinage a tous intents, el ne poit estre nief apres sans especial act fait per luy, come diuorce ou conuulsans en court de record, & ceo est en fauour de libertie, & pur ceo vn frank feme ne serra villein per prisel del villein al son baron: Mes leur issue serra villeines come leur pere fuit, que est contrarie a le ley Civil, car la est dit, partus sequitur ventrem.

Bondage ou villenage ad son commencement enter les Hebrewes, & son originall proceeding de Chanaan le fies de Cham, que pur ceo que il auoit derisee son pere Noe gysant dissolument quant il fuit ebrice, fuit puny en son fies Chanaan ouesq; penaltie de bondage.

But her husbände is free to all intents without any condition in law or otherwise: and so by consequens the wife ought to be, and is free accordyng to the nature of her free husbände, & then if she were once free & cleerely discharged of bondage to all intents, shee can not be nief after without especiall acte done by her, as diuorce, or confession in court of record, and that is in fauour of liberty, and therefore a free woman shall not bee bound by taking of a villeine to her husbände: But their issue shalbe villeins as their father was, which is contrary to the Civil lawe, for there it is said, the birth followeth the bellie.

Bondage or Villenage had beginning among the Hebrewes, and his originall proceeding of Chanaan the Sonne of Cham, who becausethat he had mocked his Father Noe to scorn, lying dissolute when hee was drunk, was punished in his Son Chanaan with penaltie of bondage.

Nihil

315 Nihil dicit.

Nihil dicit, is when an action is brought against a man, and the defendant appeares, the plaintiff declares, and the defendant will not answer, or pleades to the action, & doth not maintaine his plee, but makes default, now upon this default, he shalbe condemned, because hee saith nothing.

316 Nisi prius.

Nisi prius, is a writ iudiciall. and it lieth when an inquest is empannelled and returned before the Iustices in the bench, then the plaintiff or defendante may haue this writte directed to the Shurife, him commanding that he cause the Countrey to come before the Iustices in the same countie, at their coming to be determined, and that for the easing of the enquest.

317 Nomination.

Nomination, is where one may in right of his manour, or otherwise, nominate and appoint a worthy Clerke or man to a Parsonage, Vicarage,

Nihil dicit.

Nihil dicit, est quant vn action est port enuers vn home, & le defendant appeare, le plaintiffe declare, & le defendant ne voile responder, ou piete al action, & ne mainteint son plee, mes fait defaulte, ore sur cest default, il sera condempne, quia nihil dicit.

Nisi prius.

Nisi prius, est vn briefe iudicial, & gist quant lenquest est empanell & retourne deuant les Iustices en banke, donques le plaintiffe ou defendant puyt auer cest briefe directe al vicon, luy commandant que il face venir la pais deuant les Iustices en mesme le county a lour venir la destre definine, & ceo pur easement denquest.

Nomination.

Nomination, est ou vne poit en droit de son manour ou auterment nominate, & appoint vn able Clerke, ou home al vn Parsonage, Vicarage, ou

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ou tiel spiritual promo-
tion. Et nota que cest
nomination doit estre al
auter que lordinarie, que
auter luy presentera al
Ordinarie.

318 Nonabilitie.

NOnabilitie, est lou vn
action est port vers
vn, & le defendandit que
le plaintif est non able de
suer aucun action, & de-
mand iudgment sil serra
respond. Il y ad vi. cau-
ses de nonabilitie e le pl',
coe sil soit velage, ou vne
alien nee, mes cest disa-
bility est e actions reals &
mixt solement & non en
actions personals, sinon q
il soit vn alien enemy, ou
cōdempne en premunire,
ou professe en vn Abbey,
Priorie ou Friarie, ou ex-
commenage, ou vn vil-
laine, & sue son Seigni-
our, mes cest darreine
nest plee pur auter que
nest Seignior al villain.
Vide plus de ceo Littl.
lib. 2. cap. 11.

Nude Contract:

NVde Contract, ou nu-
de promise, est lou vn

oz such like spiritual pro-
motion. And note that this
nomination sought to bee to
another then the ordinarie;
which other shall present
him to the Ordinarie.

Nonabilitie.

NOnabilitie, is where an
actio is brought against
one, and the defendat saith
that the plaintife is not a-
ble to sue saie action, and
demandeth iudgment if he
shalbe answered. There
are sixe causes of nonabili-
tie in the plaintife, as if hee
bee an outlawe, oz an alien
borne, but that disability is
in actions reals and mixt
onely, and not in actions
personals, except hee be an
alien enemy, oz condemp-
ned in premunire, oz profes-
sed into an Abbey, Priorie
oz Friarie, oz excommu-
nicate, oz a villaine, and
sueeth his Lord, but this
last is no plee for ano-
ther that is not Lord to the
villaine. See moze heretof
in Littleton. lib. 2. cap. 11.

Bare, or naked
Contract.

BAre Contract, oz naked
promise, is where a
man

man bargaineth or selleth his lands or goods, or promisseth to giue to one maney, or a horse, or to build a house, or doe such a thing at such a day, and there is no recompence appointed to him for the doing thereof. As if one say to another, I sell or giue to you all my landes or goods. And there is nothing appointed, assigned, or agreed vpon what the other shall giue or paie for it, so that there is not one thing for another, this is a naked Contract, and boide in lawe, and for not performance thereof no action lyeth, for of a naked Contract cometh no action.

Nuisance.

Nuisance, is where any man leueth any wal or dyppeth any water, or doth anye thing vpon his owne grounde to the vniuersall hurt and annoyauce of his neighbour, he that is grieved may haue thereof an assise of Nuisance. Also if he that make the Nuisance owne of land to another, the this writt shall bee brought

home bargain ou vende ses tres, ou biens, ou promise pur doner al autre money, ou vn chival, ou a edifier vn meason, ou faire tiel chose a tiel iour & nul recompence appoint a luy pur le faire de ceo. Come si vn dit al autre, ieo vende ou done a vous tous mes terres ou biens. Et la est nul chose appoint, assigne, ou agreee, que l'auter donera, ou payera pur ceo, issint que il nad quid pro quo, cest vn nude contract & voide en ley, & pur non performance de ceo nul action gist, car ex nudo pacto non oritur actio.

Nuisance.

Nuisance, est lou ascun home leuye ascun mure, ou estop ascun ewe ou fait ascun chose sur son terre demesne a noyance son prochain, cestuy que est grief auera enf vn brieve appell Assise de Nuisance. Auxy si il que fist le nuisance alien la terre a vn autre, donques cest brief ferra port deuers

The Exposition of

deuers ambideux come
appiert per lestatut west-
minster, 2. cap. 24.

321 Nuper obiit.

NVper obiit, est vn bñ,
& gist lou vn ad plu-
sours heirs, cest aseauoir,
plusours filesou plusours
fits si soit en gavelkind ē
Kent, & deute seisie & vn
heire entra en tout la t're,
donque les auters q̄ sont
tenus dehors, aueront cē
bñ vers le coheire que est
deins. Mes brief de Rati-
onabili parte gist en tyel
case ou launcestour fuit
vn foits seysie, & ne mo-
rust seisie de possession,
mes del reuerſion.

O.

322 Oredelfe.

ORedelfe, est lou vñe
clayme de auer le
ore que est troue en
son soile ou terre.

323 Outfangthiefe.

OVtfangthiefe, hoc est,
quod latrones de t'ra
vestra, vel feodo vestro,
extra t'ra vestra, vel feodū
vestrū, capti cū latrocinio,
ad curiā vestram reuertā-
tur, & ibidem iudicentur.

against them both as t'ap-
peareth by y' statute west-
minster 2. chap. 24.

Nuper obiit.

NVper obiit, is a writte
and it lyeth where one
hath manie heirs, that is
to say, manie Daughters
oz manie Sones, if it be in
gavelkind in Kent, and
dyeth seised, and one heire
entreteth into all the lande,
then the other that be hol-
den out, shall haue this
writte against the coheire
that is in. But a writ de
Rationabili parte lyeth in
such case where the auncer-
stor was once seised, and
died not seised of the pos-
session, but in reuerſion.

O.

Oredelfe.

ORedelfe, is where one
claimes to haue the
ore that is founde in his
soile oz ground.

Outfangthiefe.

OVtfangthiefe, that is,
that theeuers oz felons
of your lande, oz t're, out of
your land oz t're taken with
felony oz stealing, shall be
brought back to your court
and there iudged.

Owclia.

324 Oweltie.

OWeltie, is when there is Lorde, Mesne, and tnaunt, and the tnaunt holdeth of the Mesne by the same seruices, that the mesne holdeth ouer of the Lord aboue him. As if the tenat hold of the mesne by homage, fealty, and xx.s. of rent perely, and the mesne holdeth ouer of the Lord aboue by homage, fealty, and xx. shillings rent also, this is called Oweltie of seruices.

325 Hearing of recordes and deedes &c.

Hearing of recordes and deedes, is as for example, an action of debte bee brought against a man by on an obligation, and the defendant appeares to the action, and the pzieth that he may hear the obligation wherewith the plaintife chargeth him.

So it is when as ex-cutors bring an action of debt, and the defendant demaundeth to heare the testament, vpon this demaunde it shall be read vnto the defendant. But if it be in another terme or after

Oweltie.

OWeltie, est quant il y ad seignour, mesne & tenant, & le tenant tient del mesne p mesme les seruices que le mesne ti-ent ouster de le seignour paramount. Come si le tenant tient del mesne per homage, fealty, & xx.s. de rent annuelment, & le mesne tiét ouster de le seignour paramount p homage, fealty, & xx.s. rét auxy, cest appel oweltie de seruices.

Oier de Records & faits &c.

Oier de records & faits, é sicōe pur exemple, vn action de det soit port enuers vn hōe sur vn obligation, & le defendant appere al action, & donques pray que il poiroier obligation ouelque que le plaintife charge luy.

Il sint est quant ex-cutors port vn action de dette, & le defendant demaunde oyer del testament : sur cest demand il serra lyc al defendant. Mes sil soit en vn autre terme, ou apres

S.l.

que

The Exposition of

que le defendant ad im-
paise, donques il n'aura
le oier. Et ainsi come est
dit de faits est destre inted
de Records que sont al-
ledge enuers luy.

328 Oier & Terminer.

Oier & Terminer, est
bēappel in Latin de
Audiendo & terminando,
& gist qnt aucun graund
ou sodein insurrectio est
faite ou ascunt auter sodein
transgression que require
hasty reformation, donq;
le roy directera vn com-
mission a certain gents &
Iustices, de audiendo &
terminando.

Nota que les Iustices
de Alsise ont vn commis-
sion doier & determiner
directe al eux, & dauers
autres inhabitants deins
les Countees as queux
leur circuite extend dont
chescun de les Iustices de
Alsise sont del Quorum,
pur le meulx oier & de-
terminer de diuers offen-
ces queux poient a venir
in leur circuites quels
sanscel Commission eux
ne poient faire.

that the defendant hath
impaised, then he shall not
hear it. And so as is said of
deeds, is to be vnderstand of
Records that are alleaged
against him.

Oier & Terminer.

Oier & Terminer, is a
writ called in latin de
Audiendo & terminando,
& it lyeth where any great
or sodeine insurrection is
made or any other sodeine
trespasse which requireth
hasty reformation, the the
King shall directe a Com-
mission to certain men and
Iustices to heare and to
determine the same.

Note that euery Iusti-
ces of Alsise haue also one
Commission of Oier and
determiner, directed to the
and diuers other inhabi-
tantes within the shires,
whereunto their circuite
extendeth, whereof ech one
of the Iustices of Alsise
are of the Quorum, for the
hearing and determining
of diuers offences, which
may ppen in their circui-
te, which without this com-
mission they could not.

P.

Pape.

PApe, is an ancient name
falsly arrogated, or
proudly vsurped by the
Bishop of the onely Citie
of Rome in Italie, and is
commonly Englisht the
Pope, a name truely much
frequented in our auncient
yeere Bookes, specially in
the times of those kinges,
who too much abandoning
their Imperiall authori-
tie, and abasing them-
selues farre beneath their
estate, were not ashamed
to suffer an alien and out-
landish Bishoppe, that
dwelt above fiftene hun-
dred miles from them, to
bee Soueraign ouer them
in their owne dominions,
and to take from them
not onely the disposition
of certaine small trifles
of none account, but al-
so the nomination of Arch-
bishops, Bishops, Abbots,
Deanes, Prouosts, appo-
piation of benefices, pre-
sentations to Parsonages,
Vicarages, and general-
lie of all Spirituall per-
sons to their preferments

P.

Pape.

PApe, est vn auncient
nosme fauxement ar-
rogate, ou hautment vsurpe
per le Euesque de la sole
Citie de Rome e Italie, &
est communeant appel en
Anglois le Pope, vn nosm
veraint mult frequent en
nre aunc' annels lius, spe-
cialment e les teps de ceux
Royes, queux grandint a-
bandonns leur imperial
auctorite, & abasats eux
mesmes mult debase leur
estate, ne fueront hont de
suffer vn alien & outlan-
dish Euesq; que enhabite
ouster cynq diz cet miles
de eux, destre soueraigne
dehaut eux e leur domi-
nions demesne, & de tol-
ler de eux non soleint le
disposition de certain pe-
tite trifles de nul accopt,
mes auxi le nomination
de Archieuesques, euesqs,
Abbes, deanes, prouosts,
appropriations de bene-
fices, presentations al par-
sonages, vicarages, & ge-
nalint de tous spirituell
persons a leur preferments

S.ii. alcu

The Exposition of

alcun temps per laps, aucun temps per prouision ou autrement, per que le prærog. del royes fut moult abridg deins lout realmes demesne, Pur le repreſſion de quel diuis ſtatutes ont eſtré fait, mes nul ſufficient remedy tã- q̃ roy H. le 3. tout ouſterment reiect cel iuge de luy & ſes ſubiecs.

328 Per que ſeruitia.

Vide de cea apres, titulo Quid iuris clamat.

329 Parceners.

PARCENERS, ſont ſolon- que le cours de common ley, & ſolonique le cuſtome. Parceners ſolõ- que le common ley ſont lou vn enheritor ad iſſue forſque files & deuie, & les tenemẽts descendent a les files, donques ils ſont appel parceners, & ſont forſques vn heire. Meſme le ley eſt, ſi neyt aucune iſſue, & que ſes freres ſerroyent ſes heirs, Mes ſi home ad forſque vn file el neſt dit parcen- ner, mes el eſt dit la file, & la heire. Et ſine ſont

sometimes by laſſe, and ſometimes by prouision of otherwiſe, wheroby the Kinges Princelie prerogatiue was verie much abridged within their own Realmes. For the repreſſion wherof diuers ſtatutes were made, but no ſufficient remedy until King Henrie the 3. did caſt off their poſe for him & his ſubiecs.

Per que ſeruitia.

Look therefore after- wards in the title, Quid iuris clamat.

Parceners.

PARCENERS, are according to the courſe of the common lawe, and according to the cuſtome. Parceners according to the common lawe are where an inheritor hath no iſſue but daughters, and byeth, and the tenements diſcende to the daughters, the they be called Parceners, and are but as one heir, The ſame law is, if he haue not any iſſue, and that his ſiſters ſhould be his heirs. But if a man hath but one daughter, ſhe is not called parcener, but ſhee is called the daughter and heir. And if there be no daugh-

daughters nor sisters, the
lande shall descend to the
aunts, and they bee called
parceners. Also whē lands
descend to diuers parce-
ners, they may make par-
tition between themselves
by agrément, but if any of
them will not make par-
tition, then the other of the
others shal haue a writ de
Participatione facienda di-
rect to the shirife, who shall
make partition betwene
them by the oth of xii. law-
full men of the bailiwiki.
Also partitiō by agrément
may be made by the law, as-
wel by sword without deed,
as by deed. And if they bee
of full age the partition shal
remaine for euer, and shall
not at any time be defeated.
But if the lands be to them
in the tail, and though that
they are concluded during
their liues, yet the issue of
him which hath the leiser
part in value, may disagree
from the partition, and en-
ter and occupie in common
with the other parte. And
also if the husbandes of the
parceners make partition,
when the husbände dyeth,
the wife may disagree

files ne soers les terres
descenderont a les auters,
& ils sont appels parce-
ners. Aux quant terres
descendent a diuers par-
ceners, els poyent faire
partition enter eux per
agrement, mes si al-
cun deux ne voient faire
donque l'auter ou les au-
ters aueront vn brieve de
Participatione facienda
direct al vic' que ferra
partition enter eux per le
serement de xii. loyals
hōes de la bailiwick. Aux
partition per agreement
poit este fait per le ley,
auxibien per parol sans
fait come per fait. Et si
sont de plein age, le par-
tition tous iours demur-
rera, & ne ferra vnq; de-
fete. Mes si les terres sont
a eux in le taile, & comēt
q' ils sont cōclues durāt
leur vies, vnc' l'issue cesty
que ad le meinder part
in value poit disagreeer a
le ptition & enter & oc-
cupier in cōen ouesq' laut'
part. Et auxy si les barons
des parceners font parti-
tion, quant le baron de-
uy, la feme poit disagreeer

S.iii.

a la

The Exposition of

a la partie. Auxi si le par-
ceñ q̄ est deins age fait p-
tition, quant el vient a son
pleine age, el poit disa-
greer. Mes il couiēt de bñ
garder quāt el vient a son
plein age, q̄ el ne preigne
touts les profits a son vie
demesne des terres q̄ fue-
ront a luy allots car don-
ques el soy agrea a le par-
tition, & le pleine age
serra toutes foits de ceo
intēd al age de xxi. ans.

Auxi si sont diuers Par-
ceners q̄ out faite partitiō
enter eux, & le part de
vn soit recouer vers luy p
title loyal, donq; el com-
peller les auters de faire
nouel partition.

Auxi ils sont Parceñs
solonques le custome, lou
home est seise des terres
en gavelkind cōe in Kent
& auters lieux fraunchi-
ses, & ad issue diuers fites
& deue; donques les fites
sont parceners per le cu-
stome.

330 Partition.

Partition est vn diuision
de terres descendus p le
common ley, ou per cu-

stom the partition. Also
if the parcener which is
within age make partitiō,
when she cometh to full
age she may disagree. But
she must take good herde
when she cometh to her ful
age that she take not al the
profits to her own vse of
landes which were to her
allotted, for then she agre-
eth to the partition, & y age
shall alway extend to the
age of xxi. yeares.

Also if there be diuers
Parceners that have
made partition betwene
them, & one of their partes
be recovered by lawfull
title, then shee shall compell
the other to make a newe
partition.

Also they are parceners
accordinge to custome,
whers a man is seise of
landes in Gavelkind, as
in Kent & in other places
franchised, and hath issue
diuers sonnes & dte; then
the sonnes are parceners
by custome.

Partition.

Partition, is a deviding
of lands descended by
common Lawe, or by cu-
stome

stome among coheires oz
parceners where there be
ti. at the least, whether
they be sonnes, daughters,
sisters, aunes, oz other-
wise of kinne to the aunces-
tor from whome the lande
descended to them.

And this partition is
made foure wayes for
the most parte, whercof
three are at pleasure and
by agreemēt among them,
the fourth is by compul-
sion.

One partition by agree-
ment is when they them-
selues deuide the lande e-
qually into so many partes,
as there bee of them co-
parceners; and eache to
choose one share oz parte,
the eldest first, and so the
one after another, as they
be of age, except that the
eldest by consent made the
partition, then the choyse
belongeth to the next, and
so to the eldest last, ac-
cording as it is saide:
who so maketh the parti-
tion, the other must haue
the choyse.

Another partition by
agreement is when they
choose certaine of their

stome perenter coheires
ou parceners, ou ils sont
deux al meins, soyent ils
firs, files, soers, aunts, ou
auterint de kinne al aun-
cestour de que le terre
descend al eux.

Et cest partition est
fait quatuor voyes par
le plus part, de que
trois sont al pleasure &
per agreement perenter
eux, le quart est per com-
pulsion.

Vn partition per agree-
ment est quant ils mes-
mes deuide le tre equal-
ment en tants partes,
come la sont de eux co-
parceners, & chescun de
chier vn share ou part, le
eigne primerment, &
ilsint lun apres l'auter,
come ils sont de age, si-
non que le eigne per con-
sent fait le partition, don-
ques le election apperti-
ent al procheine, & ilsint
al eigne darrenment, ac-
cordant come il est dis.
Cuius est partio, alteri-
us est electio.

Vn auter partition per
agreement est quant ils
essient certeine de leur
S.iii. amies

The Exposition of

amies de faire diuision
pur eux.

Le tierce partie p agre-
ment est p trahens de lots
issint: Primerint de deu-
der le terre en tants des
partes come la sont par-
ceners : donq; a scriber
chescun part feueralment
en vn petit scrol ou peece
de paper ou parchement,
& de mitter ceux scrols
closeen vn hat, cap, ou au-
riel seblable chose, & dō-
ques chescū parcener, vn
aps aut cōe ils sont de age
a traher hors de ceo vn
peece ou scrol en que est
escript vn part del terre
q per cest trahens est ore
feueralmēt allotte al eux
en fee simple.

Le quart partition que
est p compulsion, est lou
vn ou ascun de les copar-
ceners voient auer parti-
tion, & auts ne voient a-
greer a ceo, donq; ceux q
issint voient auer parti-
tion poient porter vn brc
de Partitione facienda en-
uers les auts qux ne voy-
lent faire partition, p ver-
tue de q il serraient com-
pel de departer &c.

friends to make diuision
for them.

The thirde partition by
agrement is by drawing
of lottes thus: first, to di-
uide the land into so many
partes as there be parce-
ners, then to writ enery
part feuerally in a little
scroll or peece of paper or
parchment, and to put the
same scrols by close into a
hat, cap, or other such like
thing, and then each parce-
ner, one after another as
they be of age, to draw out
thercof one peece or scroll
wherein is written a part
of the land which by this
drawing is now feuerally
allotted vnto them in fee
simple.

The fourth partition
which is by compulsion, is
when one or some of the
coparceners woulde haue
partition, and other some
wil not agre theto, then
they that so woulde haue
partition may bringe writ
De partitione facienda a-
gainst the others that
woulde not make partiti-
on, by vertue wherof they
shall bee compelled to de-
part &c.

In Kent where the lands are of Gavelkinde nature, we call at this day our partition *Shifting*, even the verie same woꝛde that the Saxons vsed, namelý *Shifan*, which signifieth to make partition betwene coheires, and to assigne to each of them their portion, In Latine it is called *Herciscere*.

Partition also may be made by *Joyn tenants* or tenants in comon by their assent, by deede betwene them, or by writ by the statutes of 31. H. 8. cap. 1. and 32. H. 8. cap. 31.

En Kent lou les terres sont de Gavelkinde nature, est appel a cest iour nostre partition *Shifting*, il mesme parol q̄ les Saxons vse, nosmement *Shifan*, que signifie pur faire *partitiō* perenter coheirs, & pur assigner a chescun de eux leur portio, In Latine est appel *Herciscere*.

Partition auxy poit estf fait per ioyn tenants ou tenants en common per leur assent, per fait entet eux, ou per brieve per les statutes de 31. H. 8. cap. 1. & 32. H. 8. cap. 32.

331 Parties.

PARTIES to a fine or deede are those which are named in deedes or fines as parties to it, as those that leuie the same fine, & also they to whome the fine is leuyed. And they that make a deede of feoffement and they to whome it is made are called parties to the deede, and so in any other like cases.

Note that if an Indenture be made betwene ii.

Parties.

PARTIES al fine ou fait, sont ceux queux sont nosmes en faits ou fines come parties a ceo, come ceux queux leuie le fine, & auxy ils a que le fine est leuie. Et ils que sont vn fait de feoffement, & ils a que il est fait sont appellees parties al fait, & ifsint en auters semblables cases.

Nota que si vn Indenture soit fait enter deux come

The Exposition of

come parties a ceo en le commencement, & en le fait vn de eux graun-za ou lessa vn chose al vn autre & vn que nest nofine en le commencement, il nest partie al fait, ne prendra riens per ceo

as parties thereto in the beginning, & in the deede one of them graunteth or letteth a thing to another, and one that is not named in the beginning, he is not partie to the deede, nor shall get nothing thereby.

Patron.

333. Patron.

PATRON est celuy que ad le aduowson de parsonage, vicarage, frak chapel, ou tiels semblable spiritual promotions appartient a son mannor, ou autrement en grosse, & per ceo poit ou doit donner mesme le benefice, ou present a ceo, quant & cy tost que il deuent voide. Et cest esteant patron ou patronage ad commencement pur le plus part per vn de eux trois voies, nofinement ou racione fundationis, pur ceo que le patron ou ses ancestors ou ceux de que il clame fueront founders ou edificiers de le Eglise, ou racione dotationis, pur ceo q ilz endow ou done terres al ceo pur maintenance:

PATRON is hee that hath the aduowson of a parsonage, vicarage, free chapel, or such like spiritual promotion belonging to his mannor, or otherwise in grosse, and thereby may or ought to giue the same benefice, or present thereto, when and as often as it falleth voide. And this being patron or patronage had beginning for the most part by one of these three wayes, namely either by reason of the foundation, for that the Patron or his ancestors, or those from whome hee claimes were founders or builders of the Church, or by reason of dotation, for that they did endow or giue landes to the same for maintenance thereof.

or

or els by reason of y^e groūd,
because y^e Church was set
or builbed vpon their soile or
ground: And many times
by reason of them all thre.

333 Perquisites.

Perquisites are aduan-
tages and profits that
come to a mannor by ca-
sualtie, and not yerely,
as Escheates, Hariots,
Reliefes, waifes, Straies,
Forfaitures, Amerci-
ments in courtes, wards,
Mariages, gowdes and
landes purchased by vil-
leynes of the same man-
nor, fines of copyholdes,
& diuers such like thinges
that are not certaine but
happen by chance, some-
times moze often then at
other times. See Perkins
fol. 20. and. 21.

334 Perambulatione
facienda.

Perambulatione facienda
is a writte, and it lieth
where two Lordships lie
one nigh another, and some
encroachment is made by
long time, then by assent
of both Lordes the Shy-
rife shall take with him
the parties and the neigh-
bours, and shall make

ou autint rationes fudi, pur
ceo q^e le Esglise fuit mise
ou edifie sur lour soile ou
terre: Et diuers temps per
reason de ils tous trois.

Perquisites.

Perquisites sont aduan-
tages & profits queux
vient al vn manor p casu-
altie, & non annualment,
come escheates, hariots,
reliefes, waifes, estraies,
forfaitures, amerciament
en courtes, gardes, maria-
ges, biens & terres pur-
chase p villeins de mesme
le manor, fines del copy-
holds, & diuers sembl^l
choses queux ne sont cer-
tain mes happé p chance,
ascun temps plus often
que a auter temps. Vide
Perkins fol. 20. & 21.

Perambulatione
facienda.

Perambulatione facien-
da est vn bñ, & gist lou
deux seigniories gisont
vn pres l'autre, & ascū en-
croachment est fait per
long temps, donques per
assent de ambideux seig-
nors le vicont prendera
ouesque luy les parties
& les vienes, & ferront
per-

The Exposition of

perambulation, & ferroit les mets come ils fuerōt adeuant, mes si vn seign incroche sur l'auter & il ne voise faire perambulation, donq's le seign issint greue auera brieſe vers l'auter, q̄ est appel de rationabilibus diuisis.

Petit Cape.

PETIT Cape est vn brieſe, & giſt quant ascun action real. s. de plee de terre est port, & le tenant appeare, & puis fait default, donque iſſera ceſt brieſe de petit cape de ſeiſer les terres en mayne le Roy, mes ſil ne appera, mes fait default al primer ſomons, donq; iſſera vn graund cape, & pur tiel default le tenaunt perdra la terre, mes ſil gage ſon ley de non ſummons, il ſauera ſon default, & donques il puit plede oueſque le demaundant. Et en graunde Cape le tenaunt ſerra ſommo pour reſpōder al default & ouſter al demaundant, mes in petit Cape il ſerra ſummon pur reſpōder al default ſolemcnar, & nemye

perambulation & ſhal make the boundes as they were beſore, but if a lord incroch vpon another, & he will not make perambulation, then the Lord ſo grieved ſhall haue a writt againſt the other, which is called de rationabilibus diuisis.

Petit Cape.

PETIT Cape is a writt, and it lieth when any action real, that is to ſay of ple of land is brought, and the tenant appeareth, and afterward maketh default, then this writt of *petit cape* ſhall go forth to ſeiſe the landes into the Kings handes, but if he appeare not, but maketh default at the firſt ſummons, then a graund cape ſhal go forth and for ſuch default the tenant ſhall loſe the land, but if he ſwage his law of non ſummons, he ſhall ſaue his default, and then he may plede with the demaundant. And in graund cape the tenant ſhalbe ſummoned to anſwere to the default, and farther to the demaundant, but in petit cape he ſhalbe ſummoned to anſwere to the default onely, & not to the

the demandant, and it is called Petit cape, for that that there is lesse in this writ.

336 Petit sericantie.

TO hold by petite sericantie is as if a man hold of the king landes or tenementes, yelding to him a kniue, a buckler, an arrow, a bowe without string, or other like seruice at the wil of the first feoffor, and there belongeth not warde, marriage ne reliefe. And marke well that a mā may not holde by graunde nor petite sericantie, but of the king.

337 Plaintife.

PLaintife is he that sueth or complaineth in an assise or in an action personall, as in an action of debt, trespassse, disceit, detinue, and such other.

338 Pleading.

PLeadings, be called all the sayings of the parties to suits after the coſit or declaration, namely that which is contayned in the barre, replication, and reioynder, and not that contayned in the count it selfe, & therefore defaultes

al demandant, & est appell petit cape pur ceo que il ad minus en cel briefe, que en l'auter.

Petit sericantie.

Tener p petite sericantie est sicome vn hōe tient de roy terres ou tenemts, rendant a luy. vn cuttell, vn escue, vn fete, vn arck sauns corde, ou auter seruice sembl', a la volunt le primer feoffor. Et la nappent, gard, mariage ne reliefe. Et nota que home ne puit tener per graund sericantie, ne p petite sericantie, si non del Roy.

Plaintife.

PLaintife, est celuy q̄ sue ou cōplaine en vn assise, ou en vn actiō personall, come en vn actiō de det, trespass, disceit, & detinue, & tiels semblables.

Pleading.

PLeadings, sont appelle toutes actes del parties al sute apres le count ou declaration, noſement ceo que est conteyne en le barre, replication, & reioynder, & non ceo containe en le coſit mesme, & pur ceo defaultes

en

en le matter del count, ne font cōprise deins mispleading, ou insufficient pleading, ne font remedy p le statute de Jeofailles, 32. H. 8. Mes solement ceo mispleading ou insufficient pleading, commit en le barre, replication, & reioynder, sont la prouide.

339 Post disseisin.

Post disseisin, Vide de ceo deuant in le title Alise.

340 Possession.

Possession, est dit deux voies, ou actual possession, ou possession en ley.

Actuall possession, est quant vn home enter en fait en terres, ou teneiments, a luy discende, ou autrement. Possession en ley est quant terres, ou teneiments sont descend al vn hōe, & il nad vncore realment, actualment, & en fait enter en eux. Et il est appell possession en ley, pur ceo que en le oile, & consideration del ley, il est pense destre en possession, entant que il est te-

in the matter of the count are not comprised within mispleading, or insufficient pleading, nor are remedies by the statute of Jeofailles, 32. H. 8. But onely that mispleading, or insufficient pleading, committed in the barre, replication, & reioinder, are there prouided for.

Post disseisin.

Post disseisin, I take for that before in the title Alise.

Possession.

Possession, is saide two wayes, eyther actual possession, or possession in lawe.

Actual possession, is when a man entred in dede into landes or teneiments to him discended, or otherwise. Possession in lawe is when landes or teneiments are discended to a man, and he hath not as yet really, actually, and in dede entred into them. And it is called possession in lawe, because that in the ere, and consideration of the lawe, he is deemed to be in possession, for as much as he is tenant

nant to euerie mans action that wil sue concerning the same landes, or tenements.

341 Poundes.

Poundes are in ij. sortes, the one pounds open, the other pounds close.

Pounde open, is euerie place whererein a distresse is put, whether it be common pounde such as are in euerie Towne or Lordship, or whether it bee backside, court, yard, pasture, or else whatsoeuer, whether the owner of the distresse may come to giue them meate & drinke without offence for their being there, or his comming thither.

Pound close, is such a place, where the owner of the distresse may not come to giue them meate and drinke, without offence, as in a close house, or whatsoeuer els place.

342 Preamble.

Preamble taketh his name of the preposition (Pre) before, and the verbe (Ambulo) to goe, so toynd together, they make a compound verbe of the first coniugation (Pream-

naunt a chescun action que ascun voet fuer concernât mesmes les terres ou tenemens.

Poundes.

Poundes, sont en deux sorts, lun poundes ouïr, les auters poundes close.

Pound ouert, est chescun lyen en quecun distresse est mys, soit ceo common pound, tiels que sont en chescun ville ou Seignorie, ou soit ceo backside, court, yard, pasture, ou autrement quecunque, lou le owner del distresse poit venir a donner eux viande sauns offense pur lour esteant la, ou son venir la.

Pound close, est tyel lieu, lou le owner del distresse ne poit venir a doner eux vyande sans offence, come en vn close, meson, ou quecunq; auter lieu.

Preamble.

Preamble ad son nomine de le preposition (pre) deuant, & le verbe (Ambulo) pur va, issint ioint ensamble, ils sont vn compound verbe de le premier coniugation (Preambulo

The Exposition of

bulo) pur vaer deuant,
& de ceo le primer part
ou commencement dun
acte est appell le pream-
ble de acte, le quel pream-
ble est vn cliffe de ouerer
les menes del fefors del
act, & les malchiefes que
ils intend de remedy per
ceo, come pur exemple
le statute fait al W. le pri-
mer le 37. cap. que donc
ataint, le preamble de
que est issint. Pur ceo que
alcuns gentes de la terre
doutent meins faux sere-
ment faire, que faire ne
dussent, per que multes
des gentes sont disherites
& perdēt lour droit, pur-
uene est &c.

§ 43 Premunire.

PRemunire est vn brief,
& gist lou ascun home
sue ascun auter in court
christian pur ascun chose
que est determinable en
le court le Roy, & ceo est
ordeine per certain sta-
tutes, & grand punish-
mēt a ceo ordeine come
appiert per mesme les
statutes. s. que il serra
hors de protection le
Roy, & q soit mis en pri-

bulo) to goe before, a here-
of the first parte of begin-
ning of an act, is called the
preamble of the acte, which
preamble is a key to open
the mindes of the makers
of the acte, and the mal-
chiefes that they intend to
remedy by the same, as for
example the statute made
at westminster the first,
the 37. chap. which giueth
an attainr, the preamble of
which is thus. Foras-
much as certaine people of
the realme, doubt very lit-
tle to giue false verdicts of
othes, which they ought
not to doe, whereby many
people are disherited and
lose their right, it is pro-
vided &c.

Premunire.

PRemunire, is a writ and
it lieth wher any man
sueeth any other in the spi-
rituall court, for any thing
that is determinable in
the Kings court, and that
is ordeined by certaine sta-
tutes, and great punish-
ment threfore ordeined, as
it appeareth by the same
statutes, viz. that he shalbe
out of the Kings protecti-
on; & that he be put in pri-
son

son without baile or main-
prise till that he haue made
fine at the Kings will, and
that his landes and goods
shalbe forfait if he come not
within y monethes. Also
prouisors, procurators,
attorneys, executors, no-
taries & maintainors, shall
be punished in the same
maner, therefore looke the
statutes. Also some men
say, that if a Clarke sue an
other man in the court of
Rome for a thing spiritu-
all where hee may haue re-
medie within the realme in
the court of his Ordinarie
that hee shall within the
case of the statute.

And vpon diuers other
offences is imposed by
Statutes lately made the
penaltie that they incurre
which are attainted in pre-
munire. As by 13. Elizab.
cap. 8. they which are ap-
pointed to make a corrupte
bargaine whereupon vsu-
age is referred above the x.
pounds in the hundred in
the year &c.

344 *Recipe in capite.*

Recipe in capite is a
briefe & gift where the
tenant holdeth of his Lord

son sans Baile ou main-
prise tanque ils ad fayt
fine al volunt le Roy, &
que ses terres & chateux
seront forfeites sil se
veigne deins deux moys.
Auxi leur prouisors, pro-
curators, attourneys, exe-
cutors, notaries & main-
teners seront punish en
mesme le maner, ideo
vide Statutum. Auxy al-
cuns dient que si vn
Clerke sue auter home in
court de Rome pur chose
spiritual lou il poit auer
remedie deins cest realm
in Court son Ordinarie
que il serra in case del
statute.

Et sur diuers autres of-
fences est imposee per sta-
tutes depuis fait le pe-
naltie que eux incurre-
queux fuer attaintes en
premunire, Come p 13.
El. ca. 8. ceux que aidoit
a faire corrupt bargain
sur que vsurie est referue
ouster x. li pur le hun-
dred en lan &c.

Recipe in capite.

Recipe in capite, est vn
briefe & gift lou le
tenant que vient de Roy

T. i. in

in chiefe, come de la Courone & il est desforce d'oques il auera cest brieve; & cest brieve serra close & serra plede in le common banke. Atuz l'ascun tenant que tient d'ascun Seignior soit desforce, luy couient s'uer brieve de droit patent que serra determinee in le Court le Seignior, mes si le terr soit tenu de Roy, le brieve de droit patent serra port in Court de Roy, & cest brieve port este remoue de la Court le Seignior en la Countie per vn rols, & de la countie in common banke per vn pone. Ideo vide deuant titulo Droit.

345 Prescription.

PRescription est quant vn person clame ascun chose pur ceo que il, ses auncestors ou predecesors, ou ceux que estate il ad ont eu ou vse ascun chose dont nul memory court al contrary.

Mes ne peut prescriber encontre vn estatute si non que il ad autre sta-

in chiefe as of his crowne, and he is desforce, that is to say, put out of his lande, t he he shal haue this writ, and this writ shalbe close and shalbe plede in the common place. Also it is p'enant which holdeth of any Lord be desforce, he shoueth him to sue a writ of right patent which shalbe determined in the Lords court, but if the lād be holden of the king, the writ of right patēt shalbe brought to the kings Court and this writ may be removed from the Lords court unto the countie by a roll, and from the countie into the common place by a pone, I wote therefore before in the title Droit.

Prescription.

PRescription is when a man claime thynge for that he, his auncellors, or predecessors, or they whose estate he hath, haue had or vsed any thing all the time wherof no memory is to the contrary.

But one may not prescribe against a statute except he haue an other statute

that serueth for him.

PRESENTMENT. **P**RESENTMENT is of two significacions: one is presentment to a church, which when any man which hath right to give any benefice spiritual, and nameth the person to the Bishop to whom he will give it, and maketh a writing to the Bishop for him, that is a presentment or presentment. But if diuers coheires may not accord in presentment, the presentment of the eldest shal be admitted, but of iointenants and tenants in common, if they agree not within six moneths the Bishop shal present by laps.

The other is a presentment of Information by any Jurie in a Court, before this Officer which hath authority to punish any offence contrary to the law.

PRESENTED RIGHT OR TITLE. **P**RESENTED right or Title, is where one is in possession of lands or tenements, and another who is out of possession, claimeth it.

ture que serue pur luy.

PRESENTMENT. **P**RESENTMENT est equiuocū: lun est presentment al Eglise quel quant aucun home que ad droit a doñt aucun benefice spiritual, & nomme le person al Euesque a que al voit le doner, & fait vn letter al euesque pur luy, ceo est vn presentment ou presentment. Mes si diuers coheires ne peuvent accorder en presentment le plus seira admit, mes de iointenants & tenants in common, s'ils ne accordent, deins les six mois, le Euesque presentera per laps.

L'autre est vn presentment ou informatio per aucun Jurie en vn Court deuant aucun officer qui ad auctorite de punir quel aucun offence fait contra le ley.

PRESENTED DROIT OU TITLE. **P**RESENTED droit ou Title, est lou vn e en possession de terres, ou tenements, & vn autre que est hors de possession, claime ceo.

PRESENTED droit ou Title, est lou vn e en possession de terres, ou tenements, & vn autre que est hors de possession, claime ceo.

ou sue pur eco. Ore le p-
tensed droit, ou title, est
die en luy q' issint sue ou
clame. Et sil puis vient a
le possessio de niefme les
terres, ou tenements, son
droit ou title est annex al
terre & possession, & met
donque appel droit.

348. Priue ou Priuie,
& Priuities.

PRiue ou Priuie, est
lou vn lease est fait a
tenir a volūt, pur ans, pur
vie, ou vn feoffement en
fee, & en diuers auts ca-
ses, ore pur eco de eco q'
ad passe penter ceux par-
ties ils sont appell pri-
uies, en respect de estran-
gers perent queux nul
tel conueiances ad estre.

Auxy si soit Seyg-
neur & tennant, & le te-
nant uient del Seignour
per certeine seruaice, il y
ad vn priuie perenter
eux per cause de tenure,
& si le tennant soit dis-
seise per vn estranger,
il ad nul priuie peren-
ter le disseysour, & le
Seignour, mes le priuie
encore demurt perent le
Seign & le tenant que est

or sueth for it. Now the
pretensed right or title is
said in him, who so doth
sue or clayme. And if he af-
terward come to the posses-
sion of the same landes, or
tenements, his right or ti-
tle is annexed to the lande
and possession, and not then
called right.

Priue or Priuities,

PRiue or Priuities, is
where a lease is made to
holde at will, for years, for
life, or a feoffment in fee,
and in diuers other cases,
now because of this that
hath passed betwene these
parties, they are called
priuies in respect of stran-
gers betwene whom no
such dealings, or conueys-
ances hath bin.

Also if there be Lord
and tenant, and the tenant
holdeth of the Lord by
certeine seruaice, there is
a priuie betwene them
because of the tenure, and
if the tenant be disseised
by a stranger, there is
no priuie betwene the
disseisor and the Lord,
but the priuie shal remaine
betwene the Lord
and the tenant: that is
disseis-

disseised, and the Lord
shall auowe vpon him, for
that he is his tenant in
right & in the Judgement
of the law. Priues are in
diuers sortes, as namely
priue in estate, priues in
deede, priues in law, pri-
ues in right, and priues
in blood.

Priues in estate is
where a lease is made of
the manor of Dale to A.
for lyfe, the remainder to
B. in fee, there both A. and
B. are priues in estate, for
their estates were bothe
made at one time.

**And so it is in the first
case here**, where a lease
is made at will, for lyfe
or yeares, or a feoffment
in fee, the lessor or feo-
ftee are called priues in
estate, and so are their
heires &c.

Priues in deede is
where a lease is made for
lyfe, and afterwarde by an
other deede the reuerſion
is granted to a Straun-
ger in fee, this grante
of the reuerſion is called
priue in deede, because that
he hath the reuerſion by
deede.

disseise, & le Seignour
auowera sur luy pur ceo
que il est son teneant en
droit, & en le iudgement
del ley. Priues sont en
diuers sortes come nos-
ment, priues en estate,
priues en fait, priues en
ley, priues en droit, &
priues en sange.

Priues en estate, est lou
vn lease est fait del man-
nor de Dale al A. pur vie,
le remainder al B. en fee,
la & A. & B. sont priues
en estate, car leur estates
fueront ambideux al vn
temps.

Et ainsi est en le pri-
mer case cy, ou vn lease
est fait al volunt, pur vie,
ou ans, ou vn feoffement
en fee, les lesses ou feo-
ftees sont appel priues en
estate, & ainsi sont leur
heires &c.

Priues en fait est lou
vn lease est fait pur vie,
& apres per vn autre fait,
le reuerſion est grant al
vn estraunger en fee, cest
grantee del reuerſion est
appel priue en fait, pur
ceo que il ad le reuerſion
per fait.

The Exposition of

Priuie en ley est lou il est Seignior & tenant, le tenaunt lessa le tenancie pur vie & morust sauns heire & le reuersion escheate al Seignior, il est dit priuie en ley, pur ceo que il ad son estate solement per le ley, cest adire per escheat.

Priuie en droit est lou vn possesseur dun terme pur ans, graunta son estate al vn autre sur condition, & fait les executors & morust, ore ceux executors sont priuies en droit, car si le condition soit enfreint, & ils entrent en le terre, ils aueront ceo en le droit de leur testatour, & a son vse.

Priuie de sanke est le heire del feoffor ou donnor &c.

Item si vn fine soit leuie, les heirs de celui que leuie le fine sont appell priuies.

349 Priuiledges.

Priuiledges sont liberties & franchises grant al vn office, lieu, ville, ou mannor, per la graund charter del Roigne, let-

Priuie in lawe is where there is Lorde and tenant, the tenaunt lesseth the tenauncie for life and dyeth without heire, and the reuersion escheats to the lord, hee is said priuie in lawe, because that he hath his estate on ly by the law, that is to say, by escheate.

Priuie in right is where one possessed of a terme for yeres, graunteth his estate to another upon condition, and maketh his executors and dyeth, now these executors are priuies in right, for if the condition be broken, and they enter into the lande, they shall haue it in the right of their testator, and to his vse.

Priuie of blood is the heire of the feoffor or donnor &c.

Also if a fine be leuied, the heirs of him that leuied the fine are called priuies.

Priuiledges, are liberties and franchises granted to an Office, place, towne, or Mannor, by the Quene's great charter, let-
ters

ters Patentes, or acte of
Parliament, as Tolle,
Sake, Socke, Infang-
thiefe, Outfangthiefe,
Turne tolle, Oredelfe,
and diuers such like, for
which looke in their pro-
per titles and places.

350. Proces.
PROCES, are the writs and
precepts that goe vpon
the original, and in actions
reals and personals there
bee sundrie sortes of pro-
ces, for in actions reals the
proces is Graund Cape, be-
fore apperance: therefore
see of that in the title Pe-
tite Cape.

But in actions perso-
nals, as in debt, trespass,
or detinue, the proces is a
distresse, and if the Shirite
returne Nihil habet in bal-
liua &c. then the proces is
alias Capias, and Pluries,
and an Exigent, & they are
called Capias ad respondē-
dum. Also the Exigent
shalbe proclaimed 5. times,
and if the partie doth not
appear he shalbe outlawed:
But in diuers actions there
are diuers manner of pro-
ces, which at large is de-
clared in Natura breuium.

ters patents, ou acte de
Parliament, come Tolle,
Sake, Socke, Infang-
thiefe, Outfangthiefe,
Turne tolle, Oredelfe, &
diuers tiels semblables,
pur queux veyes en leur
proper tiels & lieux.

Proces.
PROCES, sont les briefes
& precepts q̄ issent sur
le original: Et in actions
reals & personels sont di-
uers sortes de proces, car
en actions reals proces est
grand Cape deuant ap-
parance: ideo vide de eo
en le title petite Cape.

Mes en actions perso-
nals, come en detrespas,
ou detinue, le proces est
vn distres, & si le Vicont
returne Nihil habet in bal-
liua &c. donqs le pro-
ces ē alias Capias & Phu-
ries, & vn Exigent, & ils
sont appels Capias ad re-
spondendum. Auxy lexi-
gent sera v. foies pro-
clames, & si le prie ap-
peare il sera vtlage: Mes
en diuers actions sont di-
uers manieres de proces,
q̄ plus longe est declare
in Natura breuium.

T.iii.

Auxy

The Exposition of

Auxy sont diuers autres proces apres apparence quant les parties sont al issue pur faire lenquest appeter, come vn brief de Venire facias, & silt ne apperont al iour, dōques vn brief de Habeas corp. Iurat, & apres vn bre de Distring. iurat.

Auxy sont diuers autres proces apres iudgment, come Capias ad satisfaciendū, Capias vtlagatū, & Capias ad valentiam &c.

Mes Capias ad satisfaciendum gist lou vn homme est condempne in assen det ou damages, donques il sera arrest per ce briefe & mis en prison sans baile ou mainprise, tanq; il ad pay le det & les damages.

Mes Capias vtlagatum gist lou vn est vtlage dōques il sera prise per tiel bre, & mis en prison sans baile ou mainprise, pur ceo que il ad fait contempnt enconter le ley.

Mes Capias ad valentiam gist lou reo sue implede de certain terre, & reo vouch a garrantie vn autre, &

Also there are diuers other proces after apparence when the parties be at issue to make the enquest appere; as a writ of Venire facias, and if they do not appeare at the daye, then a writ of Habeas corpus iurat, & after a writ of Distringas iurat.

Also there are diuers other proces after indgement, as Capias ad satisfaciendum, Capias vtlagatū, and Capias ad valentiam &c.

But Capias ad satisfaciendum lieth where a man is condemned in any debt or damage, then he shall be arrested by this writte and put in prison without baile or mainprise, till hee hath paid the debt and the damages.

But Capias vtlagatum lieth where one is outlawed, then he shall bee taken by this writte, and put in prison without baile or mainprise, for that he had the law in contempt.

Capias ad valentiam lieth where I am nuytraded of certain lands, & I vouch to warrantie another, and can-

cannot barre the demaundant, so that the demaundant recouer against me; then I shall recouer so much in value against the vouchere, and then shall goe forth this writte.

Also there be other processes and writtis iudicials, as Fieri facias, Scire facias, and manie other: and therefore looke for them in their titles.

35 Next friend.

Next friend, is commonly taken for Gardian in socage, and is where a man seised of landes holden in socage dieth, his issue without age of xiiii. yeeres, then the next friend, or next of kinne to whom the landes cannot come or descend shal haue the keeping of the heire, and of the lande, to the onely use of the heire, until hee come to the age of xiiii. yeeres: And then at that yeeres he may enter and put him out, and charge him to accompte: But in that accompte hee shalbe allowed for all reasonable costes and expences bestowed either vpon the heire or his land.

il ne scauoit pas barre le demandant, issint que le demandant recouer vers moy, donques ieo recouera tant in value vers le vouchée, & donques issint cest brief.

Auxy sont autres proces & briefs iudicials, cōe Fieri facias, Scire facias, & plusors autres: & ideo vide ceux & leur titles.

Prochein amy.

Prochein amy, est communement prise pur Gardian en socage, & est lou vn home seisi de terres tenuis en socage moruelt, son issue deins age de 14: ans, donques le prochein amy, ou prochein de sang a que les terres ne poient venter ou descendre, auera le gard del heire, & del terre, al vie seulement del heire, tanque il vient al age de xiiii. ans: Et donques a tiel ans, le heire poit enter & luy ouste, & auer luy de accompter: Mes en cest accompt il auera allowance pur tous reasonable costs & expences bestowe, ou sur le heir ou son terre.

Et

The Exposition of

Et le prochein amy ou procheine de sanke a que le inheritace ne poit discender est issint desté entende: Si les terres discende al heir de son pere, ou ascun del sanke del parte son pere, donques le mere ou auter del part le mere, sont appelle procheine de sanke a que le enheritance ne poit discender, car deuant que il ilsint: discendera, il pluis tost escheatera al seignior de que il est tenus.

Et issint est desté enté de lou les terres vient al heire de sa mere, ou ascun auter de sanke del part sa mere, donques le pere ou auter del parte son pere sont appell le procheine de sanke a que le enheritance ne poit discend, mes pluis tost escheatera al Seignior de que il est tenus.

Autrement procheine amy est celuy q appiert en ascun Court pur un enfant que lue ascun action, & que aide le enfant de puruer son iuit: dont vide les statures de

And the next friends or nexte of kinne to whome the inheritance cannot discende, is thus to bee understood. If the Landes discende to the heire from his Father, or anye of the kinne of his Fathers side, then the Mother or other of the Mothers side are called the nexte of kinne to whome the enheritance cannot discende, for before that it shall so discend, it shall rather Escheate to the Lord of whome it is holden.

And so it is to bee understood where the landes come to the heire from his Mother, or anye of the kinne of his Mothers side, then the Father or other of the Fathers side are called the nexte of kinne to whome the inheritance cannot discende, but shall rather escheate to the Lord of whome it is holden.

Otherwise, Prochein amy is he which appeareth in anye Courte for an enfante which hath any action, and aideth the enfant to pursue his suite, whereof, see the Statutes of

W. 1. cap. 47. and W. 2. cap. 15. that an infant may not make an Attorney; but the Court may admit the next friend for the plaintiff, and a guardian for the infant defendant as his Attorney.

W. 1. cap. 47. & W. 2. cap. 15. que vn enfant ne poit faire Attorney, mes le Court poit admettre le procheine amy pur le plaintife, & vn gardian pur le enfant def. come son Attorney.

352. *Procedendo.*

Procedendo, is a writ, & it lyeth where any action is sued in one Court which is removed to a Court more high, as to the Chancery, the Kings bench, or Common place by a writ of Privilege or Certiorari; and if the defendant upon the matter shewed, haue no cause of privilege, or if the matter in the bill whereupon the certiorari is issued be not well pleaded, then the plaintiff shal haue this writ of *procedendo*, for to send again the matter vnto the first basse Court; and there to be determined.

Procedendo.

Procedendo, est vn bre & gist lou ascun action est sue en vn Court, que est remoue a vn pluis hault, cōe al Chancery, banke le roy, ou commō banke, per bre de Priuilege ou Certiorare, & si le defendant sur le matē monstre nad cause de priuilege, ou si le matter in le bill sur que le certiorare issuit ne soyt bien proue, donques la plain. use auera cest briefe de *Procedēdo* pur remaunder le matter al primer basse court, & la destre determine.

353. *Prohibition.*

Prohibition, is a writ & it lyeth where a man is impleaded in a spiritual court of a thing he toucheth not

Prohibition.

Prohibition, est vn bre & gist lou home est implede in court Christian de chose que ne touch matri-

The Exposition of

matrimony ne testament
ne mecremēt dismes, mes
q̄ touch le corone nostre
seignior le Roy, & cest
brieſe serra direct auxi-
bien al partie come al
Iudge ou son officiall, de
eux prohibite que il ne
pursue ouster. Mes si il
appeare apres a les Iudges
temporal q̄ le matter est
deſtre determine en le
spiritual Court, & nemy
en le Court temporal,
donq; le partie auera vn
bſ de Consultation, com-
mandant les Iudges de le
Court spiritual de proce-
der en la primer plee.

354 Protection.

Protection, est vn brieſe
& giſt lon home voit
paſſer ouster le meare en
le ſeruire le Roy, donq; il
auera cest brieſe, & p cest
brief il serra quite de tout
maner des ples enter luy
& aſcun auter perſon, ex-
cept ples de dower, Qua-
re impedit, aſiſe de nou-
uel diſſeiſin, vltime pre-
ſentationis & attainis, &
ples deuant Iuſtice in
eire. Mes ſont deux

matrimonie noz teſtame-
nt, noz mecrep tithes, but
that toucheth the kinges
crown, and this writ ſhal
be directed as well to the
partie as to the Iudge or
his officiall, to prohibite
them that they purſue no
further. But if it appeare
afterwarde to the Iudges
temporal, that the matter
is to bee determined in the
ſpiritual Court, and not
in the Court temporal,
then the partie ſhall haue
a writ of Consultation,
commanding the Iudges
of the Court ſpiritual to
proceede in the first place.

Protection.

Protection is a writ and
it lyeth where that ſome
will paſſe ouer the ſheriff
the kinges ſeruire, then he
ſhal haue this writ, and by
this writ he ſhall be quite
of all manner of ples be-
tween him & any other per-
ſon, except ples of dower,
Quare impedit, aſiſe of nou-
el diſſeiſin, vltimate pre-
ſentment, and attainres,
and ples before Iuſtice
in eire. But there be ſix
writs

Suits of protection; one Cum clausula volumus, & another Cum clausula nolumus, as appeareth in the Register. Also a protection shall not bee allowed in any plee begun before the date of the protection if it be not in vyages where the King himselfe shall passe, or other vyages royals, or in messages of the king for neede of the Realme. Also a protection shall not bee allowed for viennall bought for the vyage whereof the protection maketh mention, nor in plects of trespassse or of contracts made after the date of the protection. But note that any may attach or begin any action reall against him that hath such protection, and therein procede until the defendant cometh & sheweth his protection in the Court, & hath it allowed, and then his plee or suite shall goe without day. But if after it appeareth that the party which hath the protection goeth not abroad for any such affaires for which he hath it, then the demand

briefe de protection, vn Cum clausula volumus, & l'autre Cum clausula nolumus, vt appert in la Register. Auxy protection ne serra allowe en aucun plect commence deuant le date de la protection si ne soit in vyages ou le Roy mesme passa, ou auters vyages royals, ou in message le Roy pur besoin de Realme. Auxy protection ne serra allow pur vitales achates pur le vyage, dont le protection fait mention, ne in plects de trespassse ou de contracts fait puis le date de mesme le protection. Mes nota que aucun poit attacher ou commencer aucun action reall vers cestuy que ayt tel protection, & en ceo proceder tanque le defendant eigne & monstre son protection en le Court, & ayt ceo allowe, & donques son plect ou suit serra mise sans iour. Mes si apres il appiert q le partie que ad le protection ne va en le belaigne pur que il eit, long; le demand

The Exposition of

dant auera vn repeale de ceo. Et sil va & returne apres le besoigne sine, le demandant auera vn resummons de recontinue le former suit.

355 Protestation.

Protestation est vn form de pleading quant ascu ne voyt directment affirmer ne directment denier ascu chose quel est alledge per auter, on q il n alledge. Et est en deux manners, lun est quant vn plead ascun chose quel il ne olast directment affirmer, ou que il ne poit ceo pleder pur doubte de faire son plee double. Come si en conueying a my title al ascun terre, il doit pleder diuers discentis per diuers persons, & il n olast affirmer que euz toutes fueront seisi al temps de leur mort, ou coment il ceo purroyt, ceo ferra double a pleder deux discentis, de queux ambideux chescun aperluy poyt estre bone barre, Donques le defendant doit pleder & allea- ger le matie enterlasing

dant shall haue a repeale thereof. And if he go & returne after the busines ended, the demandant shall haue a resummons to recontinue the former suit.

Protestation.

Protestation is a forme of pleading when any will not directly affirmer, nor directly deny any thing that is alledged by another, or which hee himselfe alledgeth. And it is in two sortes: One is, when one pleadeth any thing which he dare not directly affirm, or that hee cannot pleade it for doubte to make his plee double. As in conueying to himselfe a title to any lande, hee ought to plead diuers discentis by diuers persons, and he dare not affirm that all they were seised at the time of their death, or althowgh hee could doe it, it shall be double to plead two discentis of such which every one by himselfe may be a good barre. Then the defendant ought to plead and alledge the matter interlasing this

this worde Protestando: As to say, that such a one
 ope[n]ed by protestation) se-
 led &c. and that is to be al-
 leged by protestation, and
 not to be traversed by the
 other. In other protestati-
 on is, when one is to an-
 swere to two matters, &
 yet by the lawe hee ought
 to pleade but to one, then
 in the first part of the plee
 hee shall saye to the one
 matter Protestando, & not
 cognoscendo, this matter
 to be true, and make his
 plee further by these
 wordes, sed pro placito di-
 cit &c. and this is for sa-
 ving to the partie, (that so
 pleadeth by protestation)
 to be concluded by any
 matter alleged as obie-
 ct against him, by which
 hee cannot turne issue.
 And is no other thing but
 an exclusion of the conclu-
 sion, for hee that taketh
 the protestation excludes
 the other partie to con-
 clude him. And this pro-
 testation ought to stande
 with the sequell of the
 plee, and not to be repu-
 grant, or otherwise con-
 trarie.

cest paroll Protestando,
 come adire, que tiel obiit
 (protestando) seisse &c.
 Et cec est destte alledge
 per protestation & nemy
 traue[r]sable per lauter.
 Autre protestation est,
 quant vn est de res[pon]der
 al deux choses & tamen
 per le ley il doit pleader
 forsque a l'un, donques
 en le primer part del
 plee, il dira al vn matter,
 Protestando, & non cog-
 noscendo, cel matter es-
 tre vere, & faire son plee
 ouster per ceux parols,
 Sed pro placito dicat &c.
 & cec est pur saluation
 al partie (que issint plede
 per protestation) destte
 conclude per aucun mat-
 ter alledge ou obiet en-
 counter luy. Sur que il
 ne p[ou]t ioyner issue. Et
 nest autre chose que ex-
 clusion del conclusion,
 car il que prest le prote-
 station exclude lauter
 partie de concluer luy.
 Et cest protestation doyt
 estoyer ou le sequel del
 plee, & nemy destte repu-
 gnant, ou auterment
 contrarie.

Purchase

Purchase.

Purchase est le possession que vn home ad en t'res ou tenemens per son act demesne, meages, ou agreement, & nemy p title de descent, de aucun de ses ancestors. Vide Littleton lib. 1. cap. 1.

Quale ius.

Quale ius, est vn briefe & gist lou. ascen. Abbot, Prior, ou zels auters aueront iudgement de recouuer terre, per le default del tenant vers que le fre est demaund; donques deuaut iudgement don ou execution agard, cest bre liffra al escheour pur inquirir quel droit il ad a recouer, & si soit troue q il nad droit. donques le seignour q dunt auer le terre si le tenant vst alien en mortmaine poit enter come en terre alien en mortmaine; Car cel perd per default est come alienation, Vide le statute W. 2. cap. 32.

Purchase.

Purchase is the possession that a man hath in lands or tenements by his own act, meaning an agreement, and not by title of descent from any of his ancestors. See Littleton, lib. 1. cap. 1.

Quale ius.

Quale ius.

Quale ius, is a writ and writeth to the abbot, prior, or such other shoulde have iudgement to recouer lande; by the default of the tenant against whom the land is demanded, then before iudgement given or execution awarded, this writ shal go forth to the escheour to enquire what right he hath to recouer, and if it be founde that he hath no right, then the lord to which shoulde haue the land if the tenant had aliened in mortmaine may enter againe into land aliened into mortmaine, for this reason by default is like alienation. See the statute W. 2. ca. 32.

But

But a writ of Ad quod dampnum lyeth where one sell gins lands to an house of religion, then this writ shall goe forth to the Escheator, to enquire of what value the land is, & what preiudice it shall bee to the King.

Mes brieve de Ad quod dampnum gist lou vn voile doner terre al meafon de religion, donques cest brieve issira al Escheator, pur inquierer de que value le terre est, & quel preiudice il serra al Roy.

358 Quare eiecit infra terminum.

Quare eiecit infra terminum is a writ, and it lyeth where one maketh a lease to another for terme of years, and the lessor encroseth another; and the lessee putteth out the termour; then the termour shall have this writ against the lessor; but if another stranger put out the termour, then he shall have a writ de Electione firme against him, and in these two writs he shall recover the terme and his damages.

Quare eiecit infra terminum.

Quare eiecit infra terminum est vn brieve, & gist lou vn fait lease a vn auter pur terme dans, & le lessour infesoffe vn auter, & le feoffee ousta le termour; donques le termour auera cest brieve vers le feoffee, mes si vn auter estrange ouste le termour donques il auera brieve de Electione firme vers luy, & in ceux deux briefes il recouera le terme & ses damages.

359 Quare impedit.

Quare impedit is a writ & it lyeth where I haue aduowson & a person dieth and another presenteth his clerke, or disturbeth mee

Quare impedit.

Quare impedit, est vn brie, & gist lou ieo aie aduowso, & le pson deuie & vn auter present son clerke, ou moy disturbe

V.l.

de

The Exposition of

de present, donq; ico auera le dit brieve. Mes assise de darraigne presentment gist, lou ico ou mā ancestors ont present deuant. Et lou home poit auer Assise de darraign presentment, il poit auer vn Quare impedit, mes ne my contrary.

Auxi si le p'lee soit dependant inter deux parties, & ne soit discutie deins vi. moys, donques leuelque presentera p laps, & cestuy que ad droit de presenter, recouera daïn com appiert p statute de West. 2. c. 5. Ideo vide statutū. Auxy si cestuy q ad droit de presenter apres le mort, le parson, & ne porta Quare impedit, ne darraign presentment, mes suffer vn estrange de vsurper sur luy, vncore il auera vn brieve de Droit daduowson, mes cest b're ne gist, sil ne claim dauer lauowson a luy & ses h'fes in fee simple.

360 Quare incumbrauit.

Quare incumbrauit, est vn brieve, & gist lou

to present, then I shal haue the said writ. But Assise of darraign presentment lyeth, where I or my ancestors haue presented before. And where a man may haue Assise of darraign presentment, he may haue a Quare impedit, but not contrariwise.

Also if the plea be depending betwene two parties, and be not discussed within vi. monthes, then the Bishop may present by laps, & he hath right to present, shal recover his damages, as it appeareth by the statute of West. 2. c. 5. therefore let the statute. Also if hee that hath right to present after the death of the person, & bringeth no Quare impedit nor darraign presentment, but suffereth a stranger to be surp'ed upon him, yet he shal haue a writ of right of aduowson, but this writ lyeth not, unless he claim to haue the aduowson to him & his heires in fee simple.

Quare incumbrauit.

Quare incumbrauit, is a writ. It lyeth where

two be in plee for the ad-
nowson, and the Bishop
admitteth the clerke of one
of them within the vi. mo-
nethes, then he shall haue
this writ against the Bi-
shop, but this writ lyeth
alway hanging the plee.

361 Quare intrusit matri-
monio non satisfacto.

Quare intrusit matrimo-
nio non satisfacto, is a
writ, & it lyeth where the
Wife profereth conuenable
marriage to her lord, & he
refuseth, and entred into
the said, & marryeth him-
self to another, then the
Wife shall haue this writ
against him.

362 Quare non admisit.

Quare non admisit, is a
writ, and it lieth where
some hath recovered an
advowson, and he sendeth
his conuenable clerke to the
Bishop to be admitted, &
the Bishop will not re-
ceiue him, then he shall haue
the said writ against the
Bishop. But a writ de
Ne admittas lyeth, where
it be in the, if the plaintiff
suppose that the Bishop

deux sont in plee pur la
nowson, & Leueſque ad-
mit le clerke dun de eux
depuis les vi. mois, don-
ques il auera cest brieſe
vers leueſque, mes cest brieſe
gist tous foites pendant
le plee.

Quare intrusit matrimo-
nio non satisfacto.

Quare intrusit matri-
monio non satisfacto,
est vn brieſe & gist lou le ſnr
proſera conuenable ma-
riage a ſon gard & il re-
fuſa & entra en la terre &
ſoy marrie a vn aut, don-
ques le Seignieur auera
ceſt brieſe vers luy.

Quare non admisit.

Quare non admisit, est
vn brieſe & gist lou
home ad recouer vn ad-
uowſon, & il maund ſon
conuenable clerke al eueſ-
que pur eſte admittre, &
le Eueſque ne voile luy
receiuer, donques il auera
le dit brieſe vers le Eueſ-
que, mes brieſe de Ne
admittas gist lou deux
ſont in plee ſi le plain-
tiſe ſuppoſe que leueſque

The Exposition of

voit admit le clerk le defendâr, donq; il poit auer cest bñ al Euesq; luy cōmaundant que il ne luy admit pendant le pice.

363 Quarentine.

Quarentine est lou hōe deue seisi dun maner place & dauters terres, dont la femme doit este endow, donq; la femme tiendra se en le maner place, & la viue del store & illu de ceo por quatant iours, deins q̄l temps son dower serra a luy assigne come appiert in Magna Charta Capitulo 6.

364 Quid iuris clamat.

Quid iuris clamat, est vn bñe & gist lou ieo grant le reuerſion de mō tenant a terme de vie, per fine in Court le roy, & le tenant ne voyt attuner, donques le grantee auera cest brieve pur luy chaser pur attuner. Mes brieve de Quem redditum reddit gist lou ieo grant per fine vn rent charge, ou auter rent que nest rent service quel mon tenant

will admitt the clerk of the defendant, then hee may haue this writ to the Bishop, comaunding him not to admit him hanging the pice.

Quarentine.

Quarentine, is wher a man dyeth seised of a maner place & other lands, wherof the wife ought to be endowd, then the woman may abide in the maner place, & the viue of the store & profit thereof, the space of xl. dayes within which time her dower shall be assigned, as it apperith in Magna Charta capitulo 6.

Quid iuris clamat.

Quid iuris clamat, is a writ, and lyeth wher I graunt the reuerſion of my tenant for terme of life by fine in the kings court, & the tenant wil not attorn, then the grantee shall haue this writ for to compell him to attorne. But a writ of Quem redditum reddit lieth wher I graunt by fine a rent charge, or any other rent which is not rent service which my tenant holdeth

holder of mee, and the tenant will not attorne, then the grauntee shall haue this writ. And a writ of Per que seruicia hiet in like case for rent seruice.

Also if I graunt foure diuers rents to one man, & the tenant of the land at the north to the grauntee by payment of a penny, & of an halfe penny in the name of attornement of all the rents, this attornement shall not bind in seisin of all the rents. But these iii. writs might to be brought against those which are tenants at the day of a note leuied, & against none others,

tient de moy, & le tenant ne voit attourner, donques le grauntee auera cest bñ. Et brieve de Per que seruicia gist en semblable case pur rent seruice.

Auxy si ieo graunt iiii. diuers rents a vn home, & le tenant del terre attorna al grauntee per payment de vn denier, ou vn maille en noisme de attornement de toutes ceux rents, cest attornement luy mittera en seisin de tout cest rent. Mes ceux iii. briefes coment estre port vers eux que sont tenants iour del note leuy, & vers nul auters.

365. Fifteene.

Fifteene, is a payment to graunted in Parliamēt to the Quene by the commons, namely, the fifteenth part of their goods. And it was used in ancient time to be leuied upon their catteill going in their groundes, which thing was verie troublesome; and therefore now for the most parte, that way is altered

Quinzime.

QUINZIME est vn payment graunt en Parliamēt al Roigne per les layes gents, cest scauoir, le quinzieme part de leur biens: Et fuit vſe en ancien temps desle leuie sur leur auers esteants en leur terres, que chose fuit multue troublesome, & par ceo a ore pur le plus parte, cest voy est alker,

V.iii. &

The Exposition of

& ils vse de leuie ceo per
les Verges, ou Acre, ou
auter mesure de fré. Per
raison de que il est a ore
meins troublous; & plus
certeine q̄ deuant il fuit.
Et chescun ville & pays
sient, quel sūme est destre
pay parenter eux, & com-
ment ceo serā raise. Nous
legimus que Moyses fuit
le primer que number le
le people, car il number
les Israelites, & pur ceo
le primer Taxe, Subsidi-
die, tribute, ou quinzime
fuit inuent per luy enter
les Hebrewes, come Po-
lodore Virgile suppose.

and they vse to tēpe the
same by the parde, or A-
cre (or other measure of
land. By meanes wherof
it is nowe lesse trouble-
some, & moze certaint then
befoze it was. And wher
Towne and Countrey doe
knowe what summe is to
be paid among them, and
how the same shalbe ray-
sed. we read that Moyses
was the first that did num-
ber the people, for he num-
bered the Israelites; and
therefore the first Taxe,
subsidie, tribute, or fifteene
was inuēted by him among
the Hebrewes, as Polidore
Virgil doth thinke.

366 Quod ei deforciat.

Quod ei deforciat, est
vn brief & gist lou
tenant en le taile, tenant
in dower, ou tenaunt a
terme de vie perde per
default in ascun action,
donques cesty que perde
auera cest briefe vers
celuy que recouera, ou
vers son heire, si il intend
que il auoit melior droit
que il que recouera. Vi-
de le Statute Westm. 2.
cap. 4.

Quod ei deforciat.

Quod ei deforciat, is a
brief, & it lieth wher
the tenant in the Tale,
tenant in Dower, or te-
nant for terme of life los-
seth by default in any ac-
tion, then he that he seth shall
haue this brief agaynst
him that receiveth, or a-
gaynst his heire, if he thinke
that he hath better right
then he which recovered,
See the Statute Westm.
cap. 4.

267. Quod permittat.

Quod permittat is a writ
and it lieth where a
man is disseised of his com-
mon of pasture, and the
disseisor sheweth or dieth
seised, and his heire en-
treth, then if the disseisee
or his heire shal haue this
writ.

368. Quo iure.

Quo iure is a writ, and
it lieth where a man
hath had common of pas-
ture in an other feuerail of
base within the time of me-
morie, then he to whom
belongeth the feuerail shall
haue this writ, and he shal-
bee charged to shewe by
what title he claimeth the
common.

369. Quo minus.

Quo minus is a writ, and
it lieth where a man
hath graunted to another
housetbote & heybote in his
wood to take euerie pere,
& he that made the graunt
maketh such waste and di-
struction that the grauntee
cannot haue his reasonable
enjoyment, then the graunter
shall haue the forcland writ,
and it is in manner of a
writ of waste.

Quod permittat.

Quod permittat est vn
briefe, & gist lou
hōe est disseise de sō cō-
mon de pasture, & dissei-
sout alien ou deuie seise,
& son heire entra, dōques
si le disseisee depue son
heire auera cest briefe.

Quo iure.

Quo iure est vn brief, &
gist lou home ad
ew common de pasture
en auter feuerail de dar-
rein temps puis le temps
de memorie donques ce-
luy a que appartient la
feuerail auera cest briefe,
& il serra charge demon-
strer p quel tite il claime
le common.

Quo minus.

Quo minus est vn brief,
& gist lou vn home
ad graunta a vn auter
housetbote & heybote in
son bois a prender ches-
cun an, & celuy q fesoit
le graunt fait tiel wast &
distraction que le graun-
tee ne poit auer son rea-
sonable estouers dōques
le grauntee auera laudat-
or brief, & est en natura
de bri. se wast.

V.iiij.

Et

The Exposition of

Et nota que housebote
est appel certain estouers
pur amender la maison.

Et heybote est certaine
estouers pur amender
heis & hedges.

370 Quo warranto.

QVo warranto est vn
briefe, & gist lou
home vsurpe d'auer ascun
franchise sur le Roy, don-
ques le Roy auera cest
briefe, de faire luy vener
deuant ses Iustices, pur
monstre per quel title il
claime tiel franchise.

R.

371 Rationabilibus
diuifis.

Rationabilibus diuifis
est vn briefe, & gist lou
sount deux Seignories
en diuers villes, & vn
pres le anter, & ascun
parcel de vn Seignorie
ou de wast ad este en-
crocht per petits parcells,
& donques celuy Seigni-
our de quel parcel de
terre, ou le wast ad este
encroche auera cest brief
enuers le Seignior que ad
issint encroche.

And note that house-
bote is called certaine es-
ouers to mend the house.

And heybote is certaine
estouers to mend heis and
hedges.

Quo warranto
Vo warranto is a writ
and it lyeth where
man vsurpeth to haue an
nte franchise vpon the
King, then the King shall
haue this writte, to make
him to come before his Ju-
stices, for to shew by what
title he claimech such fran-
chise.

R.

Rationabilibus
diuifis.

Rationabilibus diuifis is
a writ, & it lyeth where
there are two Lordships
in diuers Townes, and
one nigh the other, and
one parcel of one Lordship
or of wast hath bene en-
crocht by little parcells, then
the same Lordship which
the parcel of ground or of
wast hath bene encroched,
shall haue this writte a-
gainst the Lord that hath
so encroched.

372 Re-

372 Redisseisin.
Redisseisin, is wherof that
before in the title De
fise.

373 Regrator.
Regrator is he that hath
cozne, vittayles, or o-
ther thinges sufficient for
his owne necessarie neede,
occupation, or spending,
and dothe neuerthelesse
ingrosse and buy by into
his handes more Cozne,
vittayles, or other such
thinges to the intent to
sell the same againe at a
higher and deerer price, in
Fairres, Markets, or such
like places. wherof see
the statute 5. Edw. 6. cap.
14. for he shalbe punished
as a forstaller.

374 Reioinder.
Reioinder is when the
defendant maketh an-
swere to the replication of
the plaintiff.

And wherof Reioinder
ought to haue these two
properties specially, that
is to say, it ought to be a
sufficient answer to the
replication, and also to fol-
low and enforce the matter
of the barre.

Redisseisin.
Redisseisin, Vide de ceo
deuauant en le title Af-
fise.

Regrator.
Regrator est celuy que
ad blees, vitailles, ou
autres choses sufficient
pur son necessarie oeps,
occupation, ou expences,
& nient obstant ingrosse
& achate en ses maines
plus blees, vitailles, ou au-
ters tielx choses, al en-
tent de vender ceo arrere
al vn plus hault & chare
price, en Fairres, Mar-
kets, ou tielx semblables
lieus. De que vide le sta-
tute 5. Edw. 6. cap. 14. car
il terra punie come for-
staller.

Reioinder.
Reioinder, est quant le
defendant fait respons
al replication del plain-
tife.

Et chescun Reioinder
doit auer ceux deux pro-
perties specialment, cest-
a-scauoir, il doit estre vn
sufficient respons al re-
plication, & auxy de sub-
sequer & enforcer le
matter del barre.

The Exposition of

375

Release.

Release est le done ou discharge del droit ou action que aucun eir ou claime enuers auter ou son terre.

Et le release de droit est cōmunement fait quāt vn fesoit vn fait a vn auter p ceux ou uelx parols, Remisise, relaxasse, & omnino p me & hered' meis quietum clamasse A.B. totū ius meū quod habui, habeo, seu quouismodo in futurū habere potero in vno mesuagin &c. Mes ceux parolx (quouismodo habere potero) sont voides: Car si le pere soit disseise, & le fies release p son fait de release sans garrantie de tout son droit, per ces parols, quouismodo in futurū &c. & le pere morust le fies puit loyalmēt enter sur le possession le disseysor.

Auxy in vn release de droit il couient que al a que release serra fait, ad vn franktenement, ou vn possession in les terres in faite ou in ley, ou vn reuerfion al temps de le re-

Release.

Release is the giuing or discharging of the right or action which any hath or claime against another or his land.

And the release of right is commonly made when one maketh a deed to another by these or like wordes, Remised, released and utterly for me and my heires quite claimed to A.B. all my right that I have, or by any meanes may haue hereafter, in one mesuagge &c. but these wordes (whatsoever I may haue hereafter) be void: For if the father be disseised, and the sonne release by his deed of release without warranty all his right by those wordes, whatsoever I may haue hereafter &c. and the father dyeth, the sonne may lawfully enter in the possession of the disseysor.

Also in a release of right it is necessarie that he to whom the release shall be made, haue a freehold or a possession in the landes in dede or law, or a reuerfion at the time of that release

leife made, for if hee haue nothing in the lande at the time of the releafe made, & releafe shal not be to him made aboue. See in more hereof in Litt. lib. 3. cap. 8.

376. 1. 10. Reliefe.

Reliefe, is sometimes a certaine summe of money that the heire shal paye to the Lord of whom those Landes are holden, which after the decease of his ancestor are to him descended as next heire, sometimes it is the payment of another thing, and not money. And therefore reliefe is not certaine, and alike to all tenures, but euery sundry tenure hath (for the mooste parte) his special Reliefe certaine in it selfe. Neither is it to bee paid alwayes at a certain age, but varieth therein all according to the tenure. As if the tenant had Landes holden by Knights service (excepte graunde Seruantie) and die, his heire being at full age, shal his lande by the seruice of a whole knightes fee, the lord of whom these landes are so holden shal

leafe faite, car sil nad riens in le terre al tēps de releafe fait, le releafe ne ferra al luy auailable. Vide pl^a de ceo Litt. li. 3. c. 8.

Reliefe.

Relief, est ascun foirs vn certaine summe de money que le heir paiera al seigniour de que ceux terres sont ten', queux apres le decease de son ancestor sont a luy descend cōeprochein heire, Ascun foirs il est paiement dun autre chose, & nemy money. Et pur ceo relief nest certain & sēble pur tous tenures, meschescun sundry tenure ad (pur le plus pt) son special reliefe certain en luy mesm. Neq est ceo destre pay tous foirs al vn certame age, mes il varie ē ceo auxy accordāt al tenure. Come si le tenant ad terres tenus per seruice de chualer (foreprise graund serieantie) & morust son heire estant de plein age, & tient les terres per le seruice dun entier fee de chualer, le seigniour de que ceux terres sont ainsi tenus,

aucra

The Exposition of

auera del heire C. s. no-
mine releuij, & si il tient
per meins que vn fee de
chiualer, il paiera meins,
& si plus donq; plus ai-
ant respect tous foits al
rate pur chescun fee de
chiualer vn cent souz. Et
si tient per graund ser-
uicie (que est toutes foits
del Roigne, & est auxy
seruice de Chiualer) don-
ques le reliefe serra le va-
lue del terre per an, pre-
ter tous charges assuant
hors de ceo.

Auxy si home tient de
le Roy en chiefe, & des
autres Sñrs, le Roy auera
le gard de tous les fñs,
& le heire paiera reliefe
a tous les sñrs a sñ plein
age, mes le sñrs suera al
roy per petition, & auen-
ront le rent pur le temps
que l'enfant fuit in garde.

Et nota que tous foits
quant le reliefe est due, il
doit este pay al vn entier
paime, & ne my per parts,
niét obstant q le rēt soit
deste pay al seueral feasts.

377 Remunder.

Remunder, de terre est
le terre que remainera

hane of the heire C. s. in the
name of the relief, and the
held by lesse then a knights
service shall pay lesse, and if
more, then more, having re-
spect alwaies to the rate
for euerie knights fee an
hundred shillings. And if
hee helde by Graund Ser-
uicie (which is alwaies
of the Quene, and in all
Knights service) then the
reliefe shall be the value of
the land by the year, by
sides all charges assuing
out of the same. *et d. d. d.*

Also if a man holden of
the King in chief, and of o-
ther Lordes the King shall
have the wards of all the
landes, and the heire shall
pay reliefe to all the Lordes
at his full age, but the lands
shall sue to the King by pe-
tition and shall have the rent
for the time that the infant
was in ward. *et d. d. d.*

And note that alwaies
when the reliefe is due, it
must bee paid at one whole
payment and not by parts,
althogh that the rent be to
be paid at seueral feasts. *et d. d. d.*

Remunder, of land is the
land that shall remain
after

after the particuler estate
determined: As if some
graunt lande for terme of
yeres or for life, & remain-
der to J. S. that is to say,
that whē the lease for yeres
is determined, or lessee for
life is deade, that then the
land shall remaine, shall be,
or abide with, to, or in J.
S. See Reuerſion.

22. 2. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Remitter. Remitter, is when a man
in hath two titles to one
land, & he cometh to the
land by the last title, yet
he shall bee iudged in by
force of his elder title, and
that shall bee saide to him a
remitter, as if the tenant
in chat oule discontinue the
taile, and after disſeiſeth
his discontinue and dieth
thereof ſeiſed, & the lander
diſcontineth to his iſſue or
coſin collateral by force
of the taile, in that caſe
he is in his remitter, that
is to ſay, ſeiſed by force
of the taile, and the title
of the diſcontinuer is he-
terid annulled and deſen-
ted, and the reason and
cauſe of ſuch remitter is,
for that that ſuch an heire

apres le particuler eſtate
determine: Come ſi vn
grant terre pur terme de
ans, ou pur vie, le re-
mainder al J. S. ceſt a-
dire, que quant le leſſee
pur vie eſt mort, que
donques le terre remai-
nera, ſerra, ou abide, oue,
al, on en J. S. Vide Re-
uerſion.

Remitter. Remitter, est quant vn
home ad deux titres a
ascun terre, & il vient al
terre per le darrain titre,
vncore il ſerra ad iudge
eins p force de ſon plaiſ
eſne title, & ceo ſerra dit
a luy vn remitter, Come ſi
tenant en le taile diſcon-
tinua le taile, & puis diſ-
ſeiſi ſon diſcontinuee &
mornſt ent ſeiſi, & les eſes
diſcendont a ſon iſſue ou
coſui inheritable p force
del taile, in ceo caſe il eſt
in ſon remitter, ceſt a ſca-
uoir, ſeiſi per force del
taile, & le taile del diſco-
tinuee eſt ouſterment a-
nyet & deſeate, Et le rea-
ſon & cauſe de tiel remitt
eſt pur ceo que tiel heire
eſt

The Exposition of

est tenat del terre, & nest
 aucun person tenant vers
 que il pout suer son brieve
 de Formedone pur re-
 couer l'estate taile, car il
 ne puit aver action vers
 luy mesme. Aussy si tenat
 in le tail infeoffa son fires
 ou heire apparant in le
 taile que est deins age, &
 puis deuie, ceo est va re-
 mitter a l'heir. Mes sil fu-
 it de plein age al temps
 de tiel seoffement, il nest
 remitter pur ceo que il
 fut son folly, que il este-
 ant de plein age, voile
 prendre tiel seoffement.
 Aussy si le baron alien
 terre que il ad en le droit
 son feme, & puis reprist
 estate a luy & a son fe-
 me pur tme de leur vies,
 ceo est vne remitter al
 feme, pur ceo que cest
 alienation est fact le ba-
 ron & neiny le feme;
 car nul folly puit estre
 adiudge en le feme da-
 rant le vie le baron. Mes
 si tiel alienation soit per-
 sine en court de record,
 tiel reprisell apres al ba-
 ron & feme pur terme de
 leur vies ne ferra la feme

is tenant of the land, & that
 is no pet son tenant against
 whom he may sue his brieve
 of Formedon for to reco-
 ver the estate taile, for he
 may not have an action a-
 gainst himself. Also if he
 tenant in the tail infeoffe his
 son or heire apparant in the
 taile which is within age
 after death, this is a remitter
 to the heire. But if he
 were of full age at the time
 of such seoffement, it is no
 remitter, for that that it
 was his folle, that he was
 of full age, would be void
 such a seoffment. Also if the
 baron alien landes that he
 hath in the right of his
 wife, and after take the es-
 tate againe as hein and to
 his wife for terme of their
 lives, that is a remitter to
 the widow for that the se-
 alienation was made by the
 baron and widow of the es-
 tate, for no collidit may be
 iudged in the widow dis-
 suing the land of her husband,
 but if such alienation be
 by fine in court of record,
 such a taking againe after
 war doth the widow collidit
 for recovery of the land,
 that not make the widow

where in ben remitter, for
that in such a fine the wom-
an shalbe examined by the
Judge, and such examina-
tions in fines, shal exclude
such women for ever. Also
when the entre of any man
is lawfull, and he taketh an
estate to him when he is of
full age, if it be not by con-
sent, or matter of life-
estate, which shall est oppe-
him, that shall be to him a
good remitter. *Receit*

Rents, be in divers man-
ners, that is, rent ser-
vice, rent charge, and rent
seck.

Rent service is, where
the tenant in fee simple
holdeth his land of his lord
by fealty and certain rent,
or by other service and rent,
and then if the rent of the
tenant be behind, the lord
may distraine for the rent,
but for that he shall not
have an action of debt.

Also if a man have land in
tail to a man paying to me
certain rent, then such rent
is, rent service. But in
such case it behoveth that
the reversion be in the do-
nour, for if a man make a

deed in son remitter, pur-
ce que en tiel fine le fe-
me serra examine per le
Judge, & tiels examina-
tions e fines excluderont ti-
els femmes a toutes iours.
Auxi qnt entre dasc' hōe
est congeable & il prist
estate a luy quant il ē de
plein age si ne soit p fais
indent, ou matter de fe-
dord, q luy estoopera, ceo
serra a luy bon reñact.

Rents, sont en divers
maners, cest a scavoir,
rent service, rent charge,
& rent seck.

Rent service est, lōs le
tenant in fee simple ment,
sa terre de son seigneur
p fealty & certain rent,
ou p aut service & rent,
& dōq si le rent de le te-
nant soit arere, le seig-
nior puit distraire pur la
rent, mes pur ceo il n'a-
mais naura aco de det.

Auxi si ieo dōne terres
en le tale a vn home ren-
dant a moy certain rent,
ore tiel rent est rent, ser-
vice, mes e tiel case il co-
vient que le reversion soit
ē le donoy, car si hōe fait
feoffe-

The Exposition of

seoffement en fee, ou dōe en taile, le remainder ouster en fee, sans fait, reseruant a luy vn rēt, cest reservation est void, & ceo est per force del stat. quia emptores terrarū & donques il tiennta de le seignour de que son donour tenoit.

Mes si home p fait indent a cel iour fait tiel done ē le tail, le remainder ouster en fee, ou lessē a terme de vie, le remainder ouster, ou vn seoffement, & per mesme l'indenture reserua a luy vn rent, & que si le rent soit arreue, que bien lirroie a luy a distreiner, ore tiel rent est rent charge.

Mes en tiel case si ne soit aucun tiel clause de distre en le fait donqs tiel rent est appel rent secke, & pur tiel rent secke, il ne iamaiz distreindra, mes si fuit vn fois seisi, il aūa Assise, & si il iamaiz ne soit seisi, est sans remedy.

Auxy si vn graunt vn rent issant hors de la terre oue clause de distres, cē vn rent charge, & si le

seoffement in fee, or a gift in taile, the remainder ouer in fee without dede, reseruing to him a certain rent, such reservation is voyde, and that is by the statute. *Quia emptores terrarum*, and then hee shall holde of the Lord of whom his donour held.

But if a man by deed indent at such a day make such gifts in taile, the remainder ouer in fee, or tithes for terme of life, the remainder ouer, or a seoffment, and by the same indenture reserue to him rent, and that if the rent bee arreue that well it is lawfull to him to distrein, then such rent is rent charge.

But in such case, if there bee not anye such clause of distresse in the dede, then such rente is called rent secke, and for such rent secke hee shal neuer distrein but if hee were once seised hee shall haue assise. And if hee were not seised, he is without remedie.

Also if one graunt a rent going out of his lande with clause of distres, that is rent charge, and if the

rent be behinde, the graun-
tee may chosse to distraine
or sue a writte of Annuitie,
but hee cannot haue both,
for if hee bying a writte of
Annuitie, then the lande is
discharged. And if hee di-
straine and auowes the tas-
king in the court of recorde
then the land is charged, &
the person of the grauntoe
discharged.

Also if one grant a rente
charge, & the grauntee pur-
chaleth half of the land, the
all the rent is extinct.

But in rent seruice if the
lord purchase parcell of
the land, then the rent shall
be appoyoned.

But if one hath a rente
charge and his father pur-
chase parcell of the land and
that parcell discende to the
sonne which hath the rente
charge, then the rente shall
be appoyoned according
to the value of the lande as
it is land of rent seruice, for
that the son cometh
to that by his owne act,
but by descent.

Also if I make a lease
for termes of yerres reser-
uing to mee certaine rent,
what is called a rent seruice,

rent soit arrete, le graun-
tee poit eslier de distraine
ou suer vn brief d'annui-
ty, mes il ne poit auer
ambideux, car sil port b^e
d'annuity, donques le ter-
re est discharge. Et sil di-
strein & auowa la prise
en court de record, don-
ques le terre est charge,
& le person del grantor
discharge.

Auxi si vn grant vn r^et
charge, & le grantee pur-
chase le moity de la t^re,
ore tout le r^et est extinct.

Mes e rent seruice si le
seignior purchase par-
cel del terre donques le
rent sera apporcion.

Mes si vn ad vn rent
charge & son pier pur-
chase parcell del terre, &
cel parcell descende a le
fils que ad le rent charge,
ore cel rent sera appor-
tion solong; le value del
terre come est dit de rent
seruice, pur ceo que le fils
ne vient a ceo p son act
demein, mes p descent.

Auxi si ieo faice vn lease
pur terme dans reseruant
a moy vn certaine rent,
cest appel vn rent seruice:

The Exposition of

& pur ceo il est a mon liberty a distrainer pur le rent ou auer un actiō de det, mes si le lease soit determine, & le rēt soit arreſ, donques ieo ne puisſe diſtreine, mes serra myſe a mon actiō de det.

Et nota que si le ſeignior soit ſeiſi des ſeruices & rent auantdiſts, & ils ſoient aderere, & il diſtrain, & le tenant reſcue le diſtres il poit auer aſſiſe, ou brieſe de reſcous. Mes il est plus neceſſary pur luy de auer aſſiſe, que brieſe de reſcous pur tant que per aſſiſe il recouera ſon rent & ſes damages, mer per cē brieſe de Reſcous il ne recouera mes les reſpriſes & les damag'.

Et nota que si le ſeignior ne soit my ſeiſie del rent & ſeruice, & ils ſont aderere, & il diſtrain pur eux, & le tenant reſprēt le diſtreſſe il ne poit my aū aſſiſe, mes bī de reſcous, & ne couient my al Sūr de monſtre ſon droit.

Et nota que si le ſeignior ne poit my trouer diſtreſſe per deux ans, il

and ſoz that it is at my liberty to diſtaine ſoz the rent, or to haue an actiō of debt, but if the lease be determined, and the rent be behinde, then I cannot diſtrain, but ſhalbe put to my actiō of debt.

And note well, that if the Lord be ſeiſed of the ſeruice and rent beſozeſayde, and they be behinde, and he diſtaine, and the tenant reſcueth the diſtreſſe hee may haue a ſiſe, or a writ of Reſcous, but it is more neceſſary ſoz him to haue aſſiſe then a writte of reſcous, ſoz that by aſſiſe he ſhall reouer his rent and his damages, but by a writ of reſcous hee ſhall not reouer but the thing and the damages.

And note wel, that if the Lord be not ſeiſed of the rent and ſeruice, and they be behinde, and he diſtrains ſoz them, and the tenant take again the diſtreſſe, he ſhall not haue aſſiſe, but a writ of reſcous, & ſhall not neede to ſheiw his right.

And note well, that if the Lord may not finde a diſtreſſe by two peere, hee ſhall

shal haue against the tenāt a writ of Cesslavit per bien-
nium, as it appeareth by
the statute of west. 2. cap.
21. And if the tenaunt die
in the meane tyme and his
issue enter, the Lord shail
haue against y^e issue a writ
of Entre hyon Cesslavit, or
if the tenant alien the lord
shal haue against y^e alienee
the forselaide writ. But if
the lord haue issue and die,
and the tenant bee in arre-
rages of the laide rent and
seruice in the tyme of the
father of the issue, and not
in the tyme of the issue, hee
may not distraine for the
arrearages in y^e tyme of his
father, & he shail haue none
other recouery against the
tenāt or any other, for that
that such aduantage is gi-
uen by the law to the tenāt.
And note well that rente
seruice is that to the which
belongeth fealtie, but to
rent charge and rent secke
belongeth not fealtie, but it
belongeth to rent seruice of
common right.

And note that if a man
distraine for rent charge, &
the distress be taen against
his will from him, and hee

auera vers le tenant brief
de Cesslavit p biennum,
vt patet per lestature de
Westminster 2. cap. 21.
Et si tenant deuie en le
meane temps & son issue
enter le seigniour auera
vers lissue brieife dentre
sur Cesslavit, ou si le te-
naunt alien, le seigniour
auera vers lalienee lauat-
dit brieife. Mes si le seig-
niour ad issue & deuie, &
le tenāt soit en arrearages
de dit rent & seruices de
le temps le pier del issue
& nemy en temps del is-
sue, il ne poit nry distrein
pur arrearages en temps
son pier, & il nauera as-
cun auter recouerie vers
le tenant ou ascun auter,
pur ceo que tiel aduan-
tage est done per le ley al
tenant. Et nota q rent ser-
uice est cⁱ, a quel appent
fealty, mes a rent charge
& rent secke ne appent
passe fealtie, mes il appēt
a rent seruice de commō
droit.

Et nota si home distre
pur rent charge, & le dis-
tres soit rescu de luy, & il

The Exposition of

ne fuit mie seisie adeuāt,
il ny ad my recoūy forsq
per bñ de Rescous, car le
distresse primermet fait,
ne done a luy seisin, forsq;
sil happe le rent adeuant,
car sil fuit seisi del rent
adeuāt & puis le rent soit
aderere, & il distraine, &
rescous a luy soit fait, il
auera Alsise, ou brieve de
Rescous.

Et nota, q̄ en chescun
alsise de rēt charge & an-
nual rēt, ou en vn bñ de
Annuity, cōuēt a celuy q̄
port le bñ de mōstre auāt
vn especialty, ou autermt
il ne maintenera Alsise.
Mes en Alsise de Mort-
dancestor ou Formedon
en le discender, & auters
bñs (en les queux title est
done ou comprise) port
de rent charge, ou de an-
nual rēt, nest may besoign
de monstre especialty.

Et nota que si home
graunt rent charge a vn
auter, & le grantee relef-
sa a grauntor parcel de le
rent, yncore tout le rent
nest extinct.

Et nota, que si rent
charge soyt graunt a

was neuer seised befoze, he
hath no recovery but by
writ of Rescous, for the di-
stress first takē giueth not
to him seisin, only if he hap
the rent befoze, for if hee
were seised of the rent be-
foze, and after the rent bee
behind, and hee distraine, &
rescous to him be made, he
shall haue Alsise, or a writ
of Rescous.

And note well that in e-
uery Alsise of rent charge
& annuall rent, or in a writ
of Annuity, it becometh to
him that bringeth the writ
to shew forth an especialty,
or els he shall not maintain
the Alsise. But in an Al-
sise of Mortdancestor or
Formedon in the discender,
or other writs (in y^e which
title is giuen or comprised)
brought of rent charge,
or annuall rent, it ne-
deth not to shew the espe-
cialty.

And note well that if a
man grant a rent charge to
another, and the grantee
release to the grauntor par-
cel of the rēt, yet al the rent
is not extinct.

And note well, that if
rent charge be graunted to
two

two jointly, and the one release yet the other shall haue the halfe of the rente. And also if the one purchase the halfe of the land whereof the rente is going out, the other shall haue the halfe of the rente of his companion: and if the disseisor charge the lād to a stranger, and the disseisee bying an assise and recouer, the charge is defeated. But if hee that hath right, charge the land, and a stranger faigne a false action against him, and recouer by defaulte, the charge abideth. And note well, that in case that partition bee betwene two parceners, and moze lande be allotted to one then to the other, & hee that hath moze of the lande, chargeth her iand to the other, and shee happeth the rent, shee shall maintaine assise without especialtie.

And it is a rent secke, where a man holdeth of me by homage, fealty & other seruice, yelding to me a certaine rent by the peere, & I grant this rent to another, reseruing to me the seruice.

deux ioyntment, & l'un releffa, vncore le autre auera le moity del rent. Et auxy si l'un purchase le moity de le terre dont le rent est issuant, l'auter auera le moity del rent de son compaignon. Et si le disseisor charge la terre a vn estrange, & le disseisee port l'assise & recouer, le charge est defeat. Mes si celuy que ad droit, charge la terre, & vn estrange faigne vn faux action eüers luy que nad droit & recouer per default, le charge demurra. Et nota que en case vn purpartie soit perenter deux parceners, & plus terre soit allot a l'un que a l'auter & celuy que ad plus de terre, charge si ere a l'auter, & el happe le rent, el maintainera assise sans especialty.

Et est Rent secke l'ou home tient de moy par homage, fealty, & aut's seruices, rendant a moy vn certaine rent per an, & ieo graunt cest rent a vn autre, reseruant a moy le seruice.

The Exposition of

Et nota que si rent seck soit graunt a vn home & a ses heires, & le rent soit aderere, & le grauntour deuye, le heire ne pourra mye distreyner, ne recouera les arrerages de temps son pere, sicome est auaundit de rent seruice.

Et en mesme le maner est adire de rent charge ou annual rent: Mes en tous les rents auandits le heire purroit auer pur arrerages en son temps demesme tiel aduantage come auoit son pere en sa vie. Vide Statutum 32. H. 8 cap. 37.

Et nota que en rent seck, si home ne soit seisie del rent, & il soit aderere, il est sans recouerie, pur ceo que il fuit son folly demesme adeprimes quant le rent fuit grant a luy ou reserue, que il ne prist my seisin del rent sicome vn denier ou deux.

Et nota que home ne poit my auer Cessauit per biennium, ou vn auer brieve dentre sur Cessauit pur nul rent secke

And note well that if rent secke be graunted to a man and to his heires and the rent be behinde, and the grauntour dye, the heire may not distreine nor shall recouer the arrerages of the time of his father, as it is before saide of rent seruice.

And in the same manner it is to saie of rent charge or annual rent: But in all these rents before saide the heire may haue for the arrerages in his owne time such aduantage as his father had in his life. See the Statute 32. H. 8. cap. 37.

And note well, that in rent secke, if a man be not seised of the rent, and it be behinde, hee is without recouerie, for that that it was his owne folly at the beginning when the rent was graunted to him or reserued, that he tooke not seisin of the rent, as a penis of two pence.

And note well that a man may not haue a Cessauit per biennium, or another sort of Entre sur Cessauit for no rent secke behind

behind by two peeres, but
only for rent seruice, as it
appareth in the Statute
W. 2. cap. 21.

And note well that in
rent secke it behoueth him
that sueth for the rent
seck for to shewe a deede to
the tenant, or els the te-
nant shall not bee charged
with the rent, but where
the rent secke was rent
seruice before; as in this
case: Lord, mesne and te-
nant, and euery of them
holdeth of other by ho-
mage and fealtie, and the
tenant of the mesne by x.s.
of rent, the Lorde para-
mont purchaseth þe landes
or tenementes of the te-
nant, all the seigniorie of
the mesne but the rent is
extinct: And for this cause
this rent is become rent
secke, and the rent seruice
changed, for hee may not
distraine for this rent,
and in this case hee that
demaunderth the rent shall
nouer be charged to shewe
a deede.

Also in a writ of Mor-
dauncester, Aile, or Befail,
of rent secke, it needeth
not to shewe a specialtie,

aderere p deux ans; mes
ils purront tantsolement
pur rent seruice, vt pater
in lestat W. 2. cap. 21.

Et nota q en rent secke
il couient pur luy que sue
pur le rent seck pur mō-
stre fait al tenant, ou au-
terment le tenant ne ferā
my charge del rent, fors-
que lou le rent secke fuit
rent seruice adeuant,
come en cest case: Seigni-
or, mesne, & tenaunt, &
chescun de eux tient de
auter per homage & feal-
tie, & le tenant del mesne
per x.s. de rent, le Seigni-
or paramont purchase les
terres ou tenements del
tenant, tout le seigniorie
del mesne, forprise le
rent, est extinct: Et pur
cest cause cest rent est
deuenus rent seck, & la
rent seruice change, car il
ne poit distraine pur cest
rent, & en cest case celuy
que demanda le rent ne
serra iammes charge de
monstre fait.

Auxy en bñ de Mordā-
cester, Aile, ou Befail, de
rent seck, il ne besoigne
de monstre especialtie,

X.iii.

pur

The Exposition of

pur ceo que ceux briefes de possessiō comprehendont vn title deins eux mesmes, cestascavoir, que launcestor fuit seisi de mesme le rent, & continua son possession, per cause de quel seisin le ley suppose q̄ est auxy auerable per le pais.

Tamen quare, car ascuns supposant que il couient a fine force a monstre auant fait, pur ceo q̄ rent seck est vn chose enconter common droit, auxibiē come rent charg.

Mes en Assise de Nouel disseisin, & in briefe de Entre sur disseisin port de rer seck, il couient de fine force de monstre auant fait, pur ceo que rent seck est vn chose encoūter cōmon droit, si nō en le case susdit, ou il fuit rent seruice adeuant.

Et Assise de Nouel disseisin, & briefe de Entre sur disseisin, ne conteigne deins eux nul title, mes supposont vn disseisine deste fait a le plaintife, & de entendement del ley, le disseisin ne done nul

for that these writtes of possession doe comprehend a title within themselves, that is to say, that the auncestour was seysed of the same rent, and continued his possession, because of which seisin the lawe supposeth that it is also auerable by the countrey.

Yet learne, for some suppose that it behoueth of necessitie to shewe swyth a deed, for that that rent seck is a thing against cōmon right, aswell as rent charge.

But in Assise of Nouel disseisin, and in a writte of Entre sur disseisin brought of rent seck, it behoueth of necessitie to shewe swyth a deed, for that that rent seck is a thing against a cōmon right, except in the case befoze said, where it was rent seruice befoze.

And Assise of Nouel disseisin, and a writ of Entre sur disseisin, containe swith in them no title, but suppose a disseisin to be done to the plaintife, and of the intendement of the lawe the disseisin gyueth no cause

cause of auerment against
common right, but of ne-
cessitie it behoueth to shew
foorth a deede.

cause de auerrement en-
conter comon droit, mes
de fine force il monstra
auant especialtie.

380 Repleuin.

Repleuin is a writ, and
it lyeth when any man
distrayneth another for
rent or other thing, then
he shall haue this writ to
the Shyrife to deliuer to
him the distres, and shall
finde suretie to pursue his
action, and if he pursue it
not, or if it bee founde or
iudged against him, then
he that tooke the distresse
shall haue againe the di-
stresse, & that is called the
returne of the beastes, & he
shall haue in such case a
writ that is called Retur-
no habendo.

Also if it be in any fran-
chise or bailiwike, the par-
tie shall haue a Repleuin
of the Shyrife direct to
the Waplife of the same
franchise for to deliuer
them againe, & he shall finde
suertie to pursue his actiō
at the next countie. And
this Repleuin may be re-
moued out of the countie vn-
to the common place by a

Repleuin.

Repleuin est vn briefe,
& gist quant ascun
home distraigne vn auter
pur rent ou auter chose,
donques il auera cest bre
al Vicont pur deliuer a
luy le distres, & trouera
suertie de pursuer son ac-
tion, & si il ne pursua, ou
si soit troue & iudged
enconter luy, donques
cestuy que prist le distres
reauera le distres, & cest
appel returne des auers,
& il auera en tiel case bre
que est appel Retorno
habendo.

Auxy si soynt en ascun
franchise ou bailiwike, le
partie auera vn Repleuin
del Vicont direct al bai-
life de mesme le franchise
pur eux redeliuer, & il
trouera suertie de pur-
suer son action al pro-
cheine countie. Et cest
Repleuin poit estre re-
mouue hors del Countie
en le common banke per
briefe

The Exposition of

briefe de Recordare.

Vide pluis de Repleuin
deuant titulo Distres.

Auxy brief de Homine
replegiando gist lou vn
hœc est en prison, & nemy
p especiall commandement
le Roy ne de ses Iustices,
ne pur mort de home, ne
pur le forest le roy, ne pur
riel cause q̄ nest repleui-
sable, donques il auera cē
b̄ direct al vicont que il
luy faire esse repleui: &
cest b̄re est vn Iusticies &
nient returnable, & si le
vicont ne ceo face donq;
issera aut̄ b̄ sicut alias &
apres, auter briefe sicut
pluries, vel causam nobis
significes, q̄ serra returna-
ble, & si le vicont vncore
ne face repleuine, don-
ques issera vn attachement
vers le vicont direct al
coroners dattacher le vi-
cont & de luy ames̄n de-
uant les Iustices a vn cer-
tain iour & ouster ceo q̄
ils facent execution del
primer briefe.

Writ of Recordare.

A writ more of Repleuin
in the title Distres.

Also a writ of Homine
replegiando lyeth where a
man is in prison & not by
speciall commandement of
king, nor of his iustice, nor
for the death of a man nor
for the kings forest nor for
such cause that is not re-
pleuifable, then hee sh^{ll}
haue this writ directed to
the shirife & hee cause him
to be repleued: this writ
is a Iusticies & not return-
able, & if the shirife do it
not, then there shall goe
forth another writ, sicut
alias, & afterward another
writ sicut pluries vel cau-
sam nobis significes, which
shal be returnable, & if shi-
rife yet make no repleuin,
then there shall go forth an
attachement against the shi-
rife directed to the Cor-
oners to attach the shirife
to bring him before the Ius-
tice at a certain day, & fur-
ther more & they make ex-
ecution of the first writ.

381 Replication.

Replication, est quant le
defendant en alcun actiō

Replication.

Replication, is when the
defendant in any action
ma:

maketh an answer, and the plaintife maketh an answer to that, that is called the Replication of the plaintife.

382

Reprises.

REprises, are deductions, payments, and duties that goe partly and are paid out of a manor. As rent charge, rent secke, pensions, corodies, annuities, fees of stewards, baylife, & such like.

383

Receite.

RECEITE, is when any action is brought against the tenant for terme of life, or tenat for terme of years, and hee in the reuersion commeth in and praiceth to be receiued for to defende the lande and for to plead with the demandant. Also when he commeth it be howeuer that he be alway ready to plead with the demandant.

384

Rescous.

RESCous, is a writ and it lyeth when any man taketh a distresse and another taketh it againe from him and will not suffer him to bring the distresse with him, then hee doth to

fait respons, & le plaintife fait vn respons a ceo, ceo est appel le Replication del plaintife.

Reprises.

REprises, sont deductions, payments, & duties, que va annuelment & sont pay hors d'un manor. Come rent charge, rent secke, pensions, corodies, annuities, fees del seneschal ou baylife, & tiels semblables.

Receite.

RECEITE est quant aucun action est port vers tenant pur terme de vie, ou tenant a terme dans, & cestuy en la reuersion vient eins & pria desse rescieue pur defend la terre & pur pleder ouesque le demandant. Auxy quant il vient il couient q il soit tous foits prist a pleder oue le demandant.

Rescous.

RESCous est vn brieve & gist quant aucun home prent distres & vn autre reprist la distresse de luy & ne voyle suffer luy de amesmer le distresse oue luy, donques il fait a luy

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luy rescous, & sur ceo il puit auer cest brieve & recouera dāimages. Auxy si vn distraigne bestes pur damage fesaunt en sa terre & les enchasa per le haute chymyn pur eux enparker & en alant ils entrent en le meason ce-luy a que ils sount, & il eux derient la & ne voyle suffer lauter de eux im-parker, donques ceo de-teyner est rescous.

385 Reseruatiō.

Reseruatiō, est pris di-
uers voyes, & ad diūs
natures, come ascun foits
p voy de exception de re-
serue ceo que vn home
ad deuant en luy. Come si
vn lease soit fait pur ans
de ēre reseruāt les graūd
arbors cressānts sur ceo.
Ore le lessē ne poit med-
dle ouesque eux, ne oues-
que ascū chose que vient
p raison de eux cy longe
come il demurt en, ou
sur les arbors, come mast
de Oke, chestnut, pomes,
ou tiels semblables. Mes
sil chient del arbors al
terre, donques ils sont en
droit les lessēs, car le ēre

him rescous and byō that
he may haue this writ and
shall recouer dāimages. Al-
so if one distraigne beastes
for damage fesaunt in his
ground, & driueth them in
the hie way for to impou-
nd them, and in going they en-
ter into the house of him
whose they be, & he with-
holdeth them there & will
not suffer the other to im-
pound thē then that with-
holding is a rescous.

Reseruatiō.

Reseruatiō, is taken di-
uers waies, and hath
diuerse natures, as some-
times by waie of excepti-
on to kepe that which a
man had before in him, as
if a lease bee made for
yeares of grounde reser-
uing the great trees grow-
ing bypon the same, now
the lessē may not meddle
with them, nor with a-
ny thing that commeth by
reason of them so long,
as it abydeth in, or bypon
the trees, as mast of Oke,
Chestnut, Appels, or such
like, but if they fall from
the trees to the ground
then they are in righte
the lessēs, for the ground
is

is let to him, and all there
vpon not reserved &c.

Sometimes a reserua-
tion doth get and bringe
forth an other thinge
which was not before. As
if a man lease his landes
reseruing partly for the
same xx.li.&c. And diuers
other suche reservations
there be.

And note that in aun-
cient time, their reserua-
tions were as well (oz
for the moze parte) in vi-
tualles, whether flesh, fish,
Corne, Bread, Drinke, oz
what else, as in money, vn-
till at the last, & that chiefly
in the Raigne of King
Henrie the first by agree-
ment, the reservation of
victuals was changed in-
to ready money, as it hath
hitherto since continued.

est leste a luy, & tout sur
ceo nient reservee &c.

Ascun foits vn reserua-
tion obtraineth & port
hors vn aut chose que ne
fuit deuant. Come si vn
hōme leste ses t̄res reser-
uant annualmēt pur ceo
xx.li.&c. Et diuers auter
tiels reservations y sont.

Et nota q̄ en auncient
temps, leur reservations
fueront sibien (ou pur le
plus part) en victuals, soit
ceo, carne, pishe, blees,
pane, boyer, ou auter̄t,
come en money, t̄que al
darrainē, & especialment
en le temps del roy Hen-
rie le primer per agree-
ment, le reservation de
victuals fuit change en
prist money, come il ad
tanque cy continue.

386 Retraxit.

Retraxit, is the preter-
perfectence of Retraho,
compound of Re and
traho, which make Retra-
ho, to pull backe. And is
when the partie plaintife
oz demaundant commeth
in proper person into the
Court where his plee is,

Retraxit.

Retraxit, est le preter-
perfectence de Retra-
ho, compound de Re &
traho, q̄ signifie Retraho,
pur euulser arriere. Et est
quant le partie plaintife
ou demaundant vient
en proper person en le
Court ou son suit est,

&c

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& dit que il ne voyt ultre-
rius prosequi in placito
illo &c. Ore ceo terra vn
barre al action a tous
iours.

387

Reene.

Reeue est vn officer, mes
plus conus en aunciet
temps que a cest iour. Car
chescun manour ad don-
ques vn Reeue, & vncore
en diuers Copyhold mā-
nours (ou le veyle cu-
stome ascun chose pre-
uale) le nosme & office
nest en tout oblie. Et est
en effect ceo que a ore
chescun Bailife dun mā-
nor practise: nient obstar
le nosme de bailif ne fuit
dōques en vre ester nous
esteant puis porte. elns
per les Normans: Mes le
nosme de Reeue aũcient-
ment appel Gereue (quel
perticle (Ge) en continu-
ance de tēps fuit ouster-
ment omise & pde) vient
del Saxon pol geresa, que
signify vn rul'. Et issint
veraint son rule & aucto-
rity fuit larg deins le cō-
pas del manour son seign
& enter les homes & re-
nautes cybien en choses

and saith that he will not
proceede any farther in the
same &c. nowe this shall
be a barre to the action for
euer.

Reeue.

Reeue is an Officer, but
more known in an-
cient time then at this day.
For almost euery manor
had then a Reeue, and yet
still in many Copiholde
manors (where the old cu-
stome any thing preua-
leth) the name and office
is not altogether forgottē.
And is in effect that which
nowe euery Waplife of a
manor practiseth. although
the name of Waplife was
not then in vze among vs
beyng since brought in by
the Normans: But the
name of Reeue, auncient-
ly called Gereue (which
particlle (Ge) in continu-
ance of time was altoge-
ther left out and lost) came
from the Saxon woordes
Geresa, which signifieth a
ruler: And so in deede his
rule and auctoritie was
large within the compasse
of his Lordes manors and
among his menne and te-
nantes as well in matters
of

of gouernement in peace and warre, as in the skillfull vse and trade of husbandrie: For as hee did gather his Lordes rentes, paie Reprises, or duties issuing out of the manour; set the seruauntes to worke, fell and cutte downe Trees to repayre the buyldings; and enclosures, with diuerse such lyke for his Lordes commodity: So also hee had authoritie, to gouerne and keepe the tenauntes in peace, and if neede required, to lead them forth in warre.

388 Reuersion.

Reuersion of lande, is a certaine estate remaining in the lessor or donor, after the particuler estate and possession conueyed to another by lease for yere or yeeres, or gift in taylor.

And it is called a Reuersion in respecte of the possession seperated from it: so that hee that hath the one hath not the other at the same tyme, for being in one bodie together, there cannot be said a re-

de gouernement en peace & guerre, cōc en le skillfull vse & trade de husbandry. Car sicome il collect les rentes del seignour, paye reprises, ou duties issuant hors del mannor, appoynt les seruauntes de worker, succide & decoupe arbres pur repayer les edifices, & enclosures, ouesq; diuers tiels semblables pur le commodite del Seignour: Issint auxy il ad authoritie de gouerner, & garder les tenants en peax, & sil besoigne, de conducer eux en guerre.

Reuersion.

Reuersion de terre, est vn certaine estate remainant en le lessor ou donour, apres le particuler estate & possession conuey al vn autre per lease pur vie ou ans ou done en taile.

Et est appell vn Reuersion en respecte del possessiō sepeate de ceo: issint que il que ad le vn, nad le autre a m le tēps, car esteant en vn simul, la ne poit este dit vn reuersion

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uerſiō, pur ceo que per le vnting, lun est merge en l'auter, Et issint le reuerſiō del terre, est le terre mesme quant il eschueſt.

389 Riot.

Riot est lou troys (al meins) ou plures font ascun illoyal act come de bater vn home, entre sur le possession dun auter, vel huiusmodi.

390 Robberie.

Robberie, est quaut vn home prent ascū chose del person dun auter feloniousmēt, coment que la chose prise ne soit al value forsque dun denier, vncore il est felony pur quel le offendor suffera mort.

391 Rout.

Rout est quant people assemble eux mesmes, & puis procedūt, ou chiuauchant, ou allant auāt, ou mouent per instigation dun ou plufors que est conduct' de eux: Cest appelle vn rout, pur ceo q' ils mouent, & proceed en routs & numbers.

Item ou plures assemble eux sur lour qua-

nerſion, because by the vnting, & one of the is drowned in the other: And so the reuerſion of land, is the land it selfe when it falleth.

Riot.

Riot is where thre (at the least) or moze doe some vnlawfull acte: as to bate a man, Enter vpon the possession of an other, or such like.

Robberie.

Robberie, is when a mā taketh anie thing from the person of an other feloniously, although the thing so taken bee not to the value but of a peny; yet it is felony, for which the offendour shall suffer death.

Rout.

Rout, is when people doe assemble themselves together & after do proceed or ride, or go forth, or do moue by the instigation of one or moze, who is their leader: This is called Rout, because they doe moue, and proceed in Routes & numbers.

Also where many assemble themselves together vpon their owne quarrels

rels & brauls, as if the inhabitants of a towne will gather theſelues together, to breake hedges, pales or ſuch like to haue common there, or to brate another that hath done to them a common diſpleaſure or ſuch like, that is a Rout and againſt the lawe although they haue not done or put in execution their miſchievous entent. *See the Statute 1. Mar. ca. 12.*

rels & braules demefne, come ſi les inhabitants dun ville voile aſſeb' eux pur debruſer huis, mures, foſſes, pales, ou tiels ſemblabl', dauer commen la, ou de bater vn auter q̄ ad fait al eux vn cōmon diſpleaſure, vel huiusmodi, ceſt vn rout & encounter le ley, comeat q̄ ils nont fait, ou miſe en executiō lour male entent, Vide leſtatut 1. Mar. 12.

S.

392 Sake. **S**Ake, this is a plea and correction of treſpaſſe of men in your court, becauſe (*Sak*) in Engliſh is *Acheſon* in french, and *sak* is put for *Sik*, as to ſay for ſik, *sak*, alſo for what hurt, and *Sak* is put for forſait.

393 Scire facias. **S**Cire facias, is a writ iudicial going out of the record, and it lieth where one hath recovered debt or damages in ſ kings court, & he ſueth not to haue execution within the yeere & the day, the after the yeere and day he ſhal haue ſ ſaid writ

S.

Sake.

SAke, hoc eſt placitū & emenda de tranſgr̄ hominū in cur̄ vestrā, quia (*Sake*) Anglice, eſt *Acheſon* Gallice, & dicitur pur ſicke ſack, idē quod pur quel acheſon, & ſacke dicitur p̄ forſait.

Scire facias.

SCire facias eſt vn briefe iudicial iſſant hors de record & giſt lou vn ad recouer det ou damages en Court le Roy, & il ne ſue pas dauer execution deins lan & le iour donques apres lan & iour il auera le dit briefe

Yj.

a

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a garner le partie, & si le partie ne vein ou sil vein, & ne leauoit riens dire encounter execution donqs il auera vn brieft de Fieri facias directes al vicount luy commaundant que il leue le det ou les damages des biens celuy que al perdue.

Auxy le brieft de Fieri facias gift deins lan sans ascun Scire facias fuer.

Auxy si le summe de melme le det ou damages ne poit este leuy des biens celuy q auoit perdue, d'oques il poit auer vn brieft de Elegit direct al vicount que il fac luy deliuer la moitie de la terre & biens except ses boues & affries de la carue.

Auxy quant vn ad recouer det ou damages en action personall (lou le proces est vn capias) il poit auer vn auter brieft de execution appell capias ad satisfaciendum, pur prendre le corps celuy que est issint condempne que serra commit al prison illonques a demurrer sans baile ou mainprise

to warne the party, & if the partie come not, or if he come & nothing say to discharge or stay the executio, then he shall haue a writ of Fieri facias directed to the Shyrife him commaunding that he leue the debt or damages of the goods of him that hath lost.

Also the writ of Fierifacias lieth withyn the pare without any scire fac' sued.

Also if the summe of the same debte or damages may not be leued of the goods of him that hath loste them, he may haue a writte of Elegit directed to the Shyrife, that he cause him to deliuer the one halfe of his lands and goods except his oxen and implements of his cart.

Also when one hath recovered debte or damages in an action personall (where the proces is a Capias) he may haue an other writ of Execution called a Capias ad satisfaciendum for to take the body of him that is so condempned, which shalte committed to prison there to abide without baile or mainprise till

that he hath satisfied the partie.

Also when one hath iudgement to recouer anie landes or tenementes, he shall haue a writte called Habere facias seisinam direct to the shirife, him commanding to deliuer to him seisin of the same lande so recouered, See more of \mathfrak{f} in the title Fieri facias, and in the title Execution.

394 Scot.

SCot, that is to bee quite of a certaine custome, as of common tallage made to the vse of the Shirife or Bailie.

395 Knights seruice.

TO hold by knights seruice, is to holde by homage, fealtie, and escuage, and it draweth to it ward, marriage, and reliefe, And note that knightes seruice, is seruice of landes or tenementes to beare armes in warre in the defence of the Realme, and it oweth warde and marriage by reason that none is able nor of power, nor may haue knowledge to beare armes, befoze that he be of the age of 21. yeres.

tanque il ad satisfie le partie.

Auxi quant vn ad iudgement de recouer ascū terres ou tenements il auera vn brieve appell Habere facias seisinā direct al vicount luy commaundant de deliuer a luy seisin de mesme le terre isint recouer, Vide plus de ceo en le title Fieri facias, & en le title Execution.

Scot.

SCot, hoc est quietū esse de quadam cōsuetudine, sicut de communi tallagio facto ad opus vic' vel balliuorum eius.

Seruice de chiualer.

TENER per seruice de chiualer est a tener per homage fealtie, & escuage, & treit a luy gard marriage & relife. Et nota que seruice de Chiualer est seruice de terre ou de tenemēts pur armes port en guerre en defence de Royalme. Et doit gard & marriage per la raison q̄ nul est able ne de power & ne poit auer conusance d'armes porter auant que il soit d'age de xxi. ans.

Y.ij,

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Et pur tant que le Seignior ne perdera ceo, que de droit il doit auer, & que la power de la royalme de rien ne soit enfeeble: la ley voet p cause de son tender age q le Seignior luy auera en sa garde tant que al pleine age de luy, c'est assauoir xxi. ans.

Vide de ceo pluis en le title Graund seriantie, & en le title Escuage.

396 Shewing.

Shewing hoc est quietū esse cum attachiamēt in aliqua curia, & coram quibuscumq; in querelis ostensis & non aduocat.

397 Sok.

Sok, hoc est secta de hominibus in Curia vestra, secundum consuetudinem Regni.

398 Sokmans.

Sokmans sont les tenāts en auncient demesne, queux tient lour terres per Socage, cest adire per seruice del carue, & pur ceo ils sont appel Sokmans, que est tant adire come tenants ou homes queux tiēt per seruice del carue, ou homes del

And to the ende that the Lord shall not leese that that of right he ought to haue, and that the power of the realme, be nothing weakened, The lawe will because of his tender age, that the lord shall haue him and his lands in his ward till the full age of him, that is to say xxi. yeres.

Loke of that moze in the title Graund seriantie, and the title of Escuage.

Shewing.

Shewing, that is to be quite with attachment in any court, and before whom secuer in plaintes shewed and not auowed.

Sok.

Sok, this is suite of men in your Court, according to the custome of the Rea'me.

Sokmans.

Sokmans, are the tenants in auncient demesne, that holde their landes by Socage, that is by seruice with the plough, and therefore they are called Sokmans, which is as much to say as tenants or men that holde by seruice of the plough, or plowmen

men: For Sok signifieth a
plough.

And these Sokmans
or tenants in auncient de-
mesne, haue many and di-
uers liberties gyuen and
graunted to them by the
lawe, aswell these tenants
that holde of a common
person in auncient de-
mesne, as those that holde
of the Queene in aunci-
ent demesne, as namely to
be free from paying tolle
in euery Market, Faire,
Towne, & Citie through-
out the whole Realme, as-
well for their goods and
cattels that they sell to o-
thers, as for those thinges
that they buy for their pro-
uision, or other. And there-
upon euery of them may
sue to haue letters patents
vnder the Queenes seale
directed to her Officers,
and to the Maiors, Bay-
liffs, and other Officers
in the Realme to suffer the
to be tolle free.

Also to be quite of pon-
tage, murage, and passage,
as also of taxes and Tal-
lages graunted by Par-
liament, except that the
Queene take auncient de-

carue: Car Sok signifie
vn carue.

Et ceux Sokmans ou
tenants en auncient de-
mesne, ont plusors & di-
uers liberties done &
graunt a eux per le ley,
sibien ceux tenans queux
tient dun common per-
son en auncient demesne,
come ceux queux tient
del Roigne en auncient
demesne, come nosment
deste quite de paier tolle
en chescun Market, faire,
ville, & Citie per tout le
Realme, sibien pur leur
biens & chattels que ils
vend as auters, come pur
ceux choses que ils achat
pur leur prouiso, de au-
ters. Et sur ceo chescun de
eux poit suer dauer let-
ters patents desouth le
seale le Roigne a ses offi-
cers, & al Maiors, Bailifs,
& auters Officers en le
Realme de suffer eux
deste quite de tolle.

Item deste quite de
pontage, murage, & pas-
sage, & auxy de taxes &
tallages graunt per Par-
liament, sinon que le
Roign taxe auncient de-

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mesne,

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mesne, come el poit a sa pleasure pur graund cause.

Auxy destre quite de payments a les expences del Chualers del shire queux vient al Parliament.

Et si le Vicont voile distraire eux, ou ascun de eux destre contributoire pur lour terre en auncient demesne, donques lun de eux ou toutscome le case require poit suer vn brief direct al vicont, luy commandant, que il ne compelle eux destre contributoires al expences de chualers. Et mesme le brief luy command auxy, que si il ad distraire eux pur ceo, q'il redeliuer mesme le distres.

Item que ils ne deuesont estre impanel, ne mis en Iuries & Enquests en le pais hors de lour manor ou seignjory de auncient demesne, pur les terres queux ils teigne la (sinon que ils ont auters terres al common ley, pur queux ils deueront estre charge.)

mesne, as the may at her pleasure for some great cause.

Also to be free from payments towards the expences of the Knights of the Shire that come to the Parliament.

And if the Shirife will distraine them, or any of them to bee contributoire for their landes in auncient demesne, then one of them or all as the case requireth, may sue a writte directed to the shirife commanding him that he do not compell them to be contributoires to the expences of the Knights. And the same writte doth command him also, that if hee haue alreadye distrayned them therfore, that he redeliuer the same distresse.

Also that they ought not to bee impanelled, nor put in Juries and enquests in the countrey out of their Mannour or lordship of auncient demesne, for the landes that they holde there (except that they haue other landes at the common law, for which they ought to bee charged)

And

And if the Shyrife doe re-
turne them in panels, then
they may haue a writte di-
rected to him de non ponē-
dis in alsis & iuratis. And
if he doe the contrarie, then
lyeth an attachment vpon
that against him.

And so it is also if the
Bailifes of Franchises
that haue retorne of writs
will retorne anie of the te-
nants which holde in an-
cient demesne in Bisses or
iuries.

And also to be exempt frō
Lectes and the Shyrifes
turne, with diuers other
such like liberties.

399 Socage.

THolde in Socage is to
hold of anie Lord lands
or tenements, p̄siding to
him a certain rēt by y pere
for all manner of seruices.

And note well, that to
holde by Socage is not to
holde by knightes seruice,
nor to it belongeth warde,
marriage, nor reliefe, but
they shal double once their
rent after the death of their
auncestor, according to
that that they bee wont to
pay to their Lord.

Et si le Vicont retourne
eux en pannels, donques
ils poient auer vn briefe
direct a luy de Non po-
nēdis in alsis & iuratis :
Et sil face al contrarie,
donques gist vn Attach-
ment sur ceo enuers luy.

Et issint est auxy si les
Bailifes des franchises q̄ux
ont retournēs des briefs
voile retourne ascun del
tenants queux teigue en
ancien demesne en alsise
ou iuries.

Et auxy destre exempts
del Lectes, & de turnes
del Vicont, ouelsq̄ diuers
aurs sēblables liberties.

Socage.

Tener en Socage est a
tener d'ascun S̄r terres
ou tenements rendant a
luy vn certain rēt par pur
touts maner des seruices.

Et nota que tener per
Socage n'est pas tener per
seruice de chivaler, ne la
appent gard, mariage, ne
reliefe, mes ils doublerōt
vn foies leur rent apres
le mort leur auncestor,
solonque ceo que soloy-
ent paier a leur Seignior.

Y.iii.

E.

The Exposition of

Et ils ne serront ouster mesure greeues, come il appiert en le treatise de gardes & Reliefes.

Et nota q̄ Socage poit estre dit en trois maners, cestascavoir, Socage en frank tenure, Socage en ancient tenure, & Socage en base tenure.

rent pur tous maner des seruices, come deuant est dit, & de ceo le prochein amy auera le gard a que le heritage ne purra my descendre, tanque al age le heir de xiiii. ans, cestascavoir, si le heritage veign per le part le pere; celui del part le mere aueront le gard, Et eontra.

Et nota que si gardian en Socage fait wast, il ne serra my empeache de wast: Mes il rendra accompl al heir q̄nt il viendra al plein age de xxi. ans. Et vide lestatute de Marlebridg capitulo 17. pur cest matter.

Socage de auncient tenure est ceo lou les gens en ancient demesne tenoyent, que ne slylent auer brieve auoir que le

And they that not be ouer mesure griened; as it appeareth in the Treatise of Wardes and reliefe.

And note well that Socage may be said in 3. maners, that is to saye: Socage in fre tenure, Socage in ancient tenure, and Socage in base tenure.

rent for all manner of seruices, as is before saide, and of that the next kinnes bodie shall haue the warde to whom the heritage may not dissende, till the age of xiiii. yeres, that is to saye: if the heritage come by the parte of the Father, they of the parte of the Mother shall haue the warde, And contrariwise.

And note well that if the gardian in socage do make wast. he that not be impeached of wast, but hee shall peelde accompt to the heirs when hee shall come to his full age of xxi. yeres. And looke the statute of Marlebridg cap. 17. for this matter.

Socage of auncient tenure is that whete the people in auncient demesne heide, which yle no other writte to haue then the

Suyt

Writte of Right close, which shall bee determined according to the custome of the manor, and the Monstraueunt for to discharge them when their Lord distrainteth them for to doe other Seruices that they ought not to doe.

And this writ of Monstraueunt ought to bee brought against the Lord, and these tenants holde at hy one certaine seruice, and these be free tenants of ancient demesne.

Socage in base tenure is wher a man holdech in ancient demesne, that maye not haue the Monstraueunt, and for that it is called the base Tenure.

Summons ad warrantizandum &c.

Summons ad warrantizandum &c. sequatur sub suo periculo. **One of them allest in the title voucher.**

Spoliation.

Spoliation, is a suite for the frutes of a Church, or for the church it self, and it is to be sued in the spiri-

tuale de Droit close, que sera determinee secundum consuetudinem manerij, & le Monstraueunt pur eux discharger quant leur Seignior eux distraint pur faire autres seruices que faire ne duissent.

Et cest brieve de Monstraueunt doit estre portee vers leur seignior, & ceux tenants teignent tous par un certain seruice. Et ils soient franktenants de ancient demesne.

Socage en base tenure, est l'on homme tient en ancient demesne, q'il ne puit auer le Monstraueunt, & par ceo il est appellee base Tenure.

Summons ad warrantizandum &c.

Summons ad warrantizandum &c. sequatur sub suo periculo, vide de teneur apres en le title voucher.

Spoliation.

Spoliation, est un suite pur le frutes d'un eglise, ou pur l'eglise mesme, & est destee sue en le spiritual

The Exposition of

tuall Court, & nemy en
les temporall Courtes. Et
cest suite gist pur vn en-
cumbent enuers vn au-
ter encumbēt, ou ils am-
bideux claime per vn pa-
tron, & lou le droit del
patronage ne vient in
question ou debate. Co-
me si vn person soit cree
vn Euesque & ad dispen-
sation de tener son rec-
torie, & puis le patron
present auter encumbent
que est institute & in-
duct: Ore leuesque poet
auer enuers cestuy en-
cumbent vne Spoliation
en le spiritual Court, pur
ceo q̄ils ambideux clai-
me per vn patron, & le droit
del patronage ne vient
en debate, & pur ceo
que lautre encumbent
vyent al possession del
benefice per le course del
ley spiritual, cest asca-
uoir, per institution &
induction, issint que il
ad colour de auer ceo, &
deste person per le spi-
rituall ley. Car auter-
ment sil ne soit institute
& induct &c. Spoliation
ne gist enuers luy,

tuall Court, and not in the
temporall Courtes. And
this suite lyeth for one
incumbent agaynst ano-
ther incumbent, where
they both claime by one pa-
tron, and where the right
of the patronage doth not
come in question or debate.
As if a Parson bee crea-
ted a Bishop, and hath dis-
pensation to keepe his be-
nefice still, and afterward
the Patron presents an-
other incumbent: which
is instituted, and induc-
ted: Nowe the Bishoppe
maie haue agaynst that
Incumbent a Spoliation
in the Spirituall Courte,
because they claime both
by one Patron, and the
right of the patronage doth
not come in debate, and be-
cause that the other incum-
bent came to the possession
of the benefice by the course
of the Spirituall Lawe,
that is to saie, by instituti-
on and induction, so that he
hath colour to haue it and
bee Parson by the spiri-
tuall Lawe. For other-
wise if he be not instituted
and induced &c. Spoliation
lyeth not agaynst him,
but

but rather a writ of Tres-
passe, or an assise of Novel
disseisin &c.

So it is also where a
person which hath a plu-
ralitie doeth accept an o-
ther benefice, by reason
whereof the Patron pre-
sents another clerke, who
is instituted and inducted,
now the one of them may
haue Spoliation against
the other, and then shall
come in debate if hee haue
a sufficient pluralitie or
not. And so it is of depri-
uation &c.

The same law, is where
one sayeth to the Patron,
that his Clerke is dead,
where vpon hee presents
another: There the first
incumbent which was
supposed to be dead may
haue a Spoliation against
the other, and so it is in di-
uers other like cases,
whereof See Fitzherbert
Nat. breuium.

mes vn brieve de Trespas,
ou vn assise de nouel dis-
seisin &c.

Ilsint est auxy lou vn
person que ad pluralitie,
accept auter benefice, per
raison de que le patron
present vn auter clerke, q
est institute & induct, ore
lun de eux poit auer
Spoliation enuers le au-
ter, & donques viendra en
debate si il ad vn suffi-
cient pluralitie ou non. Et
ilsint est de deprivation
&c.

Mesme le ley est, lou
vn dist al patron, que son
clerke est mort sur que il
present vn auter, La le
primer incumbent que
fuit surmise de estre mort
poit auer vn Spoliation
enuers lauter. Et ilsint en
diuers ayters semblables
cases de que veyes Fitz-
herbert Natura breuium.

Stallage.

402 Stallage.
Stallage, that is to bee
quite of a certaine cu-
stome exacted for the street
taken or assigned in fauour
and markets.

Stallage, hoc est quietu
esse de quadam consue-
tudine exact' pro platea
capta vel assignata in nu-
dinis & mercatis.

Sunt

The Exposition of

403 Suit couenant.

SVit couenant, est quant vostre auncestors ont couenant oue mes auncestors de suer a le court mes auncestors.

Suit couenant.

SVit couenant, is when your auncestors haue couenanted with my auncestors to sue to the court of my auncestors.

404 Suit custome.

SVit custome, est quant ico & mes ancestors ont estre seises de vestre suite demesne & vostre auncestors de temps &c.

Suit custome.

SVit custome, is when I and my auncestors haue bene seised of your sone suit & your auncestors time out of myade &c.

405 Suit reall.

SVit reall, est quant homes vient al turne de vicon ou leete, a q courts rours homes serra compell de venter a conuster les leyes, issint que ils ne serra ignorant de les choses queux serra monstres la coment ils serra gouvernes. Et est appel real suit per cause de lour allegiance, & ceo appiert p common experience quant vn est iure, son othe est que il serra loyal & foyal home al Roigne. Et ceo suit ne pur le terre que il tient deins le countie, mes per reason de son person,

Suit reall.

SVit reall, is when men come to the shurifes turne or leete, to which court all men shal bee compelled to come to knowe the lawes, so that they shal not be ignorant of things that shalbe declared there howe they shalbe governed. And it is called reall suite because of their allegiance, and this appeareth by common experience when one is sworne, his othe is, that he shalbe a loyall and faithful man to y^e Quene. And this suite is not for the land which he holdeth within the Countie, but by reason of his person, and

and his abode there, and ought to bee done twise a yere, for default whereof, he shall be amerced and not distrained.

& pur son rest la, & doyt estre fait deux foits per an, pur default de que, il serra amercy & non distreigne.

406 Suit seruice.

Suit seruice, is to sue to the Shyrlifes turne oꝝ Leete, oꝝ to the Lordes Court from thye weekes to thye weekes by the whole yere, and for default thereof, a man shalbee distrained and not amerced. And this suit seruice is by reason of the tenure of a mans lands.

Suit seruice.

Suit seruice, est de suer al turne del viscount ou Leete, ou al Court del sñr de trois semaines en trois semaines p l'entier an: Et pur default de ceo, vn hōe serra distreigne & non amercy. Et cest suit seruice est per reason del tenure del terres dun home.

407 Statute marchant.

To holde by Statute marchant, is where a man knowledgeth to paye certain money to another at a certaine day befoze the Maior, Bayliffe oꝝ other warden of any towne that hath power to make execution of the same statut, & if the obligor paye not the debt at the day, & nothing of his goods, landes oꝝ tenemēts may be found in the ward of the Maior oꝝ warden befozesaid, but in other places without, then

Statute marchant.

Tener per Statute marchant, est lou hom̃ conuist a paier certaine denyers a vn autre a certain iour deuant le Maire, baille, ou aut' gardeine dascū ville que ad poyar de faĩr execution de mesme le statute, & si le obligor ne paya le dett a le iour asses & rien de ses biens, terres ou tenemens ne purront estĩr troues deins la gard le Maior ou gardein auantdit, mes en autres lieus dehors, donq: le

The Exposition of

le recognisee sueſ le re-
cognitione & obligation
oue vn certification al
Chauncery de ſouth le
ſeale le Roy, & il aua hors
de la Chauncery vn Ca-
pias al Vicount de quel
countie il eſt de luy ap-
prendre & mettre en pri-
ſon ſil ne ſoit clerke, tan-
que il ad fait gree de la
debt. Et vn quarter de
lan apres ceo que il ſerra
pris, il auera ſa terre liuer
a luy meſme pur faire
gree a le partie de debt.
Et il puit vender tanque
il eſt en priſon, & ſa ven-
dſ ſerra bon & loyal. Et
ſil ne face gree deyns le
quarter dun an, ou il ſoit
returne que il neſt troue,
& ſil ne ſoyt Clerke, a-
donques le reconiſſee puit
auer brieſe de la Chaun-
cerie que eſt appell Ex-
tendi facias, direct al
toutes vicounts lou il ad
terres dextender ſes ter-
res & biens, & ſes byens
a luy deliuer, & luy ſei-
ſer en ſes terres, pur les
tener a luy & a ſes heires
& a ſes aſſignes tan-
que le debt ſoyt leuye

the recogniſſee ſhall ſue the
recognitione and obliga-
tion with a certification to
the Chauncerie vnder the
kings ſeale, and hee ſhall
haue out of the Chaunce-
ry a Capias to the Shi-
rife of the countie where
hee is to take him, and to
put him in priſon, if hee
bee not a clerke, till hee
haue made gree of the
debt. And one quarter of
the yeere after that, that
he ſhal bee taken, hee ſhall
haue his land deliuered to
himſelf to make gree to the
partie of the debt, and hee
may ſell it while hee is in
priſon, and his ſale ſhall
be good and lawfull. And
if hee do not gree within a
quarter of a yeere, or if it
be returned that hee be not
found, then the reconiſſee
may haue a writ of the
Chauncery which is cal-
led Extendi facias, direct to
all ſhirifes where hee hath
lands, to extend his lands
and goods, and to deliuer
the goods to him, & to ſeiſe
him in his lands, to holde
them to him and to his
heires & his aſſignes, till
that the debtes bee leuyed
or

*Debenham &
Duplogge & al
2 R 3 & 15
H 7. Ro. 24.*

or payed, and for that time he is tenant by statute marchant. And note well, that in a statute marchant the recognisee shall haue execution of all the landes which the recognisor had the daye of the recognisance made, and anye time after by force of the same statute.

And note wel, that when any wast and destruction is made by the recognisee, his executors, or by him that hath estate, the recognisor or his executors shal haue the same lawe as is beforesaid of the tenant by Elegit.

And note well, if the tenant by statute Marchant holde ouer his terme, hee that hath right may sue against him a Venire facias ad computandum, or els enter by and by as vpon tenant by Elegit. See the statut 11. E. 1. and of Acton burnel, & 13. E. 1. de Mercatoribus.

ou paye, & per cel temps il est tenant per statute marchant. Et nota que en lestatute marchant, le recognisee auera execution de toüts les terres que le recognisor auoit iour de la recognisance fait, & vnques puis per force de mesme lestatute.

Et nota que quant ascü wast ou destruction est fait per le recognisee, ses executors, ou per celuy que ad son estate, le recognisor & ses executors aueront mesme la ley cõe est fuisdit de le tenant p Elegit.

Et nota si tenaunt per lestatute Marchant tient ouster son terme cestuy que ad droit poit suer enuers luy Venire facias ad computandum, ou entrer tantost sicome sur le testant per Elegit. Vide statute 11. E. 1. & de Acton burnel, & 13. E. 1. de Mercatoribus.

T.

408 Fee Taile.

T^D holde in the taile is
where a man holdeth

T.

Fee Taile.

Tener en le taile,
est lou home tient
cer-

The Exposition of

certein terres ou tenemens a luy & a ses heires de son corps engendres. Et nota que si la terre soit done a vn home & a ses heires males, & il ad issue male, il ad fee simple, & ceo fuit adiudge en le Parliament nostre Seignour le roy. Mes lou terres ou tenemens sont dones a vn home & a ses heirs males de son corps engendres, il ad fee tail, & lissu female ne serra my inherite, vt patet Anno 14. E. 3. en vn assise 18. E. 3. 45.

Fee taile, est lou terre est done a vn home & a ses heirs de son corps engendres, & il est dit tenant en le taile generall, mes si terre soit done al baron & feme & al heires de lour deux corps engendres, ore le baron & la fee sont tenants en le tail especial. Et si vn de eux deuy cesty que suruiue est tenant en le taile apres possibilitie d'issue extinct & il face wast il ne serra empeche de cel wast. Vide Littleton.

Mes si le roy don terres

certain lands or tenements to him and to his heires of his bodie begotten. And note well, that if the lande be giuen to a man and to his heires males, & he hath issue male, he hath fee simple, and that was iudged in the Parliament of our Lord King. But where lands be giuen to a man & to his heires males of his body begotten, then hee hath fee taile, and the issue female shall not be inheritable, as it appeareth the 14. yere of Ed. 3. in 3. assise 18. E. 3. 45.

Fee taile, is where land is giuen to a man and his heires of his body begotten, and he is called Tenant in the taile generall, but if lands be giuen to the husband & the wife & the heires of their two bodies begotten, then the husband and the wife be Tenants in the taile especial, and if one of them die, he that suruiueth is tenant in tail after possibility of issue extinct and if he make wast he shall not be impeached for that wast. See Littleton.

But if the king giue land to

to a man and to his heires males, and the donee dieth without issue male, then the cosin collaterall of the donee shal not enherite, but the king shall reenter and so it was adiudged in the Eschequer Chamber 18. H. 8. in an Information made against the heirs of Sir T. Louel knight.

a vn home & a ses heires males, & le donee deuie sans issue male, donques le cosin collaterall del donee inheritera, mes le roy reentra, & issint fuit adiudge en leschequer chamber Anno 18. H. 8. en vn information fait vers l'heire de Sir T. Louel Chiu. der.

409 Taile after possibility.

TO holde in the taile after possibilitie of issue extinct, is where lande is given to a man and to his wife, & to the heirs of their two bodies engendred, and one of them overleth the other without issue be-tweene them begotten, he shall hold the land for term of his own life, as tenant in the taile after possibility of issue extinct. And notwithstanding that hee has wast, he shall neuer be impeached of that wast. And note if he alien, he in the reversion shall not haue a writ of entrie in consimili casu. But he may enter, & his entrie is lawfull, per R. Thorp chiefe iustice 28.

Taile apres possibilitie.

TENER en le taile apres possibilitie dissue extinct, est lou terre est doñ a vn home & sa feme & a les heires de lour deux corps engendres, lun de eux suruiue l'auter sans issue enter eux issuant, il tiendra sa terre a terme de sa vie demesme, come tenant in le taile aps possibilitie dissue extinct. Et non obstant q'il fait wast, il ne serra iammays empêche de cel wast. Et nota sil alien, celuy en la reversion ne auera brieve dentre in consimili casu. Mes il poit entrer, & son entrie est congeable, per R. Th. chiefe iustice 28.

Z.1. E.3.

The Exposition of

E. 3. 26 & 45. E. 3. 25.

410 Taxe & Tallage.

TAXE & Tallage, sont païments, come dismes, quinzimes, subsidies ou tiels semblables grant al roigne per Parliamēt.

Les tenants en auncient demesne sont quits de ceux taxes, & tallages grauntés per Parliament, sinon que le Roigne taxe auncient demesne, come el poet quant a luy pleast par grand cause. Veies auncient demesne.

411 Tenure en capite.

TENURE en capite, est lou ascendant del Roigne come de la parson cheāt roigne, & de la Corone, come dun Seigniorie per luy mesme en grosse, & en chiefe desuis tous autres Seigniories. Et nemy lou ils tient de luy come de aucun mannor, honos, ou Castell, sinon certain auncient honors, ve patet in Scaccario.

412 Terme dans

TENET a terme, daes nest forsque chanzell

E. 3. 26 & 45. E. 3. 25.

Taxe and tallage.

TAXE and tallage, are païments, as tenths, fifteenths, subsidies, or such like granted to the Quene by Parliament.

The tenants in auncient demesne are quitte of these taxes and tallages granted by Parliament except that the Quene doe take auncient demesne, as she may when she thinks good for some great cause. See auncient demesne.

Tenure in capite.

TENURE in capite, is hold of the Quene as of her person being Quene, & of her crown as of a Lordship by it self in grosse, and in chief above all other Lordships. And not where they hold of her as of any Seigniorie, Honour, or Castle, except certeyn auncient honours, which appeare in the Exchequer.

Terme dans

TENET for terme of years is not but chanzell

in effect, for no action is maintainable against a termor, for the recovering of the free hold, for no freehold is in him. A lease for term of years is a chattell real, & the other chattell is personal, & all goods which are removable are chattells personal.

en effect, car nul actiō est maintenabl' enuers le termor quant a recouierer le frankteñr, car nul franktenement est a luy. Lease a terme dans est chattel real. Et l'auter chattel est psonal, & tous bñs mouables sont chatels psonals.

Testament.

Testament, is thus defined in master Plowden's Commentaries, a testament is the witness of the mind, & is compound of these two wordes, Testatio & mentis, which so significth, truely is, that a Testament is a witness of the mind, but that it is a compound word, Aulus Gellius in his vi. booke, cap. 1. both being the same to an excellent lawyer one Seruius Sulpicius, & sayeth that it is a simple word, as are thes, Calciamentū, Paludamentum, Paviamentū, and diuers such like.

And much lesse is agreamentum, a compound word of aggregatio and mentis, as is to be before in the title of Agreement, for

Testament, est issint de fine ou expounde en Mounsier Plowdens Commentaries: Testamentum est testatio mentis, & est cōpōūd de ceux deux parolx, Testatio & mentis, q' issint signifie, veray il l'est, q' vn testament est testatio mentis, mes q' il est vn cōpound parol, Aulus Gellius en son vi. liure ca. 1. deny cco a vn excellent Lawier vn Seruius Sulpicius, & dit q' il est vn simple parol, come sont ceax Calciamentum, Paludamentū, Paviamentum, & diuers tielx semblables.

Et mult meines est agreamentum, vn cōpound paroll de aggregatio & mentium, come est dit en le riple de agreement, car

The Exposition of

il ny ad nul tiel latin parol simple ou compound, mes il peit niër obse serue bñ par vn ley latin parol.

Et pur ceo il poit issint este meliour define. Testamentum est vltimæ voluntatis iusta sententia de eo quod quis post mortem suam fieri vult &c.

Et de Testaments il y ad deux sorts, cest a sauoir vn Testament en escript, & vn Testamēt p parolx, q̄ est appel vn Nuncupatiue Testament.

Le primer est tous forts en escript come est dit.

Le auter est quant vn home esteant en maladie, & pur paour ne mort ou fault de memoire, ou de parler, voit venir cy suddenlyment & hastiuelement sur luy, que il serra presentement fil demurt le scripture de son Testament, request ses vicines & amies de porter tesmoign de son darreine volūte, & donques declare teo presentment p parolx deuant eux, que apres son decease est proue per tesmoignes, & mis en escript

there is no such latish woord simple or compound, but it may neuertheless serue wel for a law latin woode.

And therefore thus it may be better defined. A Testament is the true declaration of one last will, of that we would to be done after our deathe.

And of Testaments there be two sorts, namely a Testament in writing, and a Testament by wordes, which is called a Nuncupatiue Testament.

The first is always in writing as is said.

The other is, when a man being sicke, and for feare leaue death or want of memoire, or of speech, shoulde come so suddenly and hastily vpon him, that he shoulde be presentment if he stayed the writing of his Testament, desireth his neighbours and friends to beare witness of his last will, and then declareth the same presentment by wordes before them, which after his decease is proued by witnesses, and put in writing by

by the Ordinary, and then standeth in, as good force (except for lands) as if it had at first in the life of the Testator been put in writing.

per le Ordinarie, & donques il est en cy bonc force (sinon pur terres) si come il ad al primer en le vie del testator este mis en escript.

414. Them.

Them, that is, that you shall have all the generations of your villaines with their suites and cat-tell wheresoever they shall be found in England, except that if any bondman shall remain quite one pere and a day in any priuiledged towne, so that he shall be receiued into their communaltie or guilds, as one of them, by that meanes he is deliuered from villeinage.

Them.

Them, hoc est quod habeatis totam generationem villanorum vestrorum cum eorum sectis & cartallis ubicumque in Anglia fuerint inuenta, excepto quod si aliquis nativus quies per unum annum & diem in aliqua villa priuilegiata manserit, ita quod in eorum comuniam vel gildam tanquam unus illarum reperiatur fuerit, eo ipso a villenagio liberatus est.

415. Thefbore.

Thefbore, is when a man taketh any goods of a theefe to fauour and maintaine him. And not when a man taketh his owne goods that were stolten from him ac.

The punishment in ancient time of thefbore, was of life and member. But now at this day

Thefbore.

Thefbore, est quando homo prius alicuius biens dun laron de luy fauorer & maintenir: Et ne my quant homo prius ses biens demesne, q fueront emblees de luy &c.

Le punishment en ancien temps de Thefbore, fuit de vie & de member: Mes a ore

Z.iii. M.

The Exposition of

M. Stamford dit, que il est puniſh per raiſonne & emprisonnēt. Sed quare car ico penſe ceo eſte felonie.

416 Title.

Title, eſt lou loial cauſe eſt veigne a vn home de auer choſe que auter ad, & il nad aſcun action pur ceo, come title de Mortmaine, ou de entrrie pur condition enfreint.

417 Title de Entre.

Title de Entre, eſt quant vn ſeſſe de terre enfee fait feoffement de ceo ſur condition, & le condition eſt enfreint: Or apres le condition iſſint enfreint, le feoffour ad title de entre en le ſre, & iſſint poit quant a luy pleiſt, & per ſon entrie le franktenēt ſerra dit en luy maintenant.

Et eſt appel Title de Entre, pur ceo que il ne poit auer brieſe de Droit enuers ſon feoffee ſur condition, car ſon droit fut hors de luy per le feoffement, le quel ne poit eſte reduce ſans entrie,

Mast, Stamford ſeth, it is puniſhed by raiſonſe and by imprisonment. But enquire further, for y^e ſhould ſe ſelouie.

Title.

Title, is where a lawfull cauſe is come vppon a man to haue a thing which an other hath, and he hath no action for the ſame, as title of Mortmaine, or to enter for breach of condition.

Title de Entre.

Title de Entre, is when one ſeſſe of land in ſummary ſeſſement ſuffereth vpon condition, and the condition is broken: ſhew after the condition thus broken, the feoffor hath title to enter into the land, and may ſo doe at his pleaſure, and by his entrie the freehold ſhall ſay to be in him preſentlie.

And it is called Title of entre, becauſe that he cannot haue w^rite of Right againſt his feoffee vpon condition, for his right was out of him by the feoffment, which cannot be reduced without entrie, and

the entrie must be for the breach of the condition
418 Tolle, or Tolne.

Tolle, or Tolne, is most properlie a payment vnto in Cities, Townes, Markets and Faïres, for goods and cattell brought thither to be bought and sold. And is alwayes to be payed by the buyer and not by the seller, except there be some custome otherwise.

There are diuers others Tolles, as Turne tolle, and that is where Tolle is payd for beasts that are taken to be sold, although that they be not sold in the.

Also Tolle trauiers, that is where one claymeth to haue a halfe penie, or such like tolle of euery beast that is taken ouer his ground.

Through Tolle, is where a towne prescribes to haue Tolle for euery beast that goeth through their towne a certayne, or for euery frame of 100. a certayne: which seemeth not to be so vnreasonable a prescription or custome, as

& le entre doit estre pur le enfreindre de le cōditio.

Tolle, ou Tolne.

Tolle ou Tolne, est plus proprement vn payement vse en Citiez, villes, markets, & fayres, pur biens & cattel port la destre achate ou vende. Et est toutes dits destre pay per le achator, & nemy per le vendour, sinon que soit aucun Custome al contrarie.

Il y ad diuers auters Tolles, come Turne toll, & ceo est lou toll est pay pur auers, queux sōt diques destre vendus, come que ils ne sont vendus.

Item tolle trauiers, ceo est lou vn claime d'aueir vn ob. ou tiel semblable tolle de chescun beast que est drue sur son terre.

Through tolle, est lou vn ville prescribe de aueir tolle pur chescun beast q'ale through leur ville, vn certayne, ou pur chescun vint ou cent, vn certain: que ne appiert destre cy vnreasonable prescription ou custome, come

Z.iiiij.

aseuns

The Exposition of

ascuns ont suppose, nient obstar il soit per le hault chemin del roigne (come ils ceo appel) lou chescun poit loialment passe, sil y ad quid pro quo: Come si la soit vn pont ou tiel semblable commodity, puruey al costes & charges del ville, pur le ease de trauaylers que chascun mesme voy, per que lour iourney est ou a bridge ou fait le meliour pur que donques ne poit tolle este demanda loialment & oue bone reason de eux &c.

Mes diuers Citizens & Burgeses sont quite de pay tolle p le graunt del Roigne, ou sa auncestors, ou claime ceo p prescription ou custome. Ilint auxy espiritual persons & religious homes (coe ils fueront appels) fueront quite de tolle pur lour biens & marchandises achate & vendus &c. Mes a ore le Statute del Roy H. 8. anno 21. cap. 13. voit q ils ne marchandise.

Item tenants en auncient demesne doyen est

some haue thought, although it bee though the Quenes high way (as they call it) where euery man may lawfully goe, if that there be one thing for an other: As if there be a bridge or such like commodity provided at the costes and charges of the Towne, for the ease of traualers that vaine that way, whereby their iourney is either shortned or bettered, why the may not tolle be lawfully and with good reason demaunded of them &c.

But diuers Citizens & Townes men are free fro paying tolle by graunt of the Quene or her auncestors, or doe claime the same by prescription of custome. So also spiritual persons and religious men (as they call them) were quit of paying tolle for their goods and marchandises bought and sold, but now the Statute of King H. 8. An. 21. cap. 13. will that they shall not marchandise.

Also tenants in auncient demesne ought to be quit

quit throughout the whole Realme of paying tolle, as appeareth befoze in § title Sokemans. And in al these cases where toll is demaunded where it ought not to be paid of them that shoulde goe, buy and sell tolle free, there the partie or parties grieved may haue a writ, De essendi quietum de colonio, directed to him, or the that so demaunded tolle contrarie to the Queene or her progenitors graunt, or contrarie to custome or prescription.

419 Treason.

Treason, is in two manners, that is to say, graund treason and petit treason, as it is ordeined by the statutes, and therefore looke the statutes, and *Stamf. lib. 1. cap. 2.*

420 Treasure troue.

Treasure troue, is when any money, golde, silver, plate or bolion, is found in any place, and no man knoweth to whome the proprietie is, then the property thereof belongeth to the King, and that is called treasure troue, that is to say, treasure found.

quite per tout le Realme de puer tolle, cōe appiert deuant en le title Sokemans. Et en tous ceux cases ou tolle est destē demaunde, ou il ne doit estre pay de eux q̄ doyent aler, achate, & vède, quite de tolle, la le partie ou parties greuee poyent auer vn brieve, De essendi quietū de colonio, direct a luy, ou ceux que issint demaunde tolle contra al graūt le Roigne ou la progenitors, ou contra al custome ou prescription.

Treason.

Treason est en deux manners, cest ascauoir, haute treason, & petit treason, come est ordeine per lestatutes, & ideo vide statuta & *Stamford lib. 1. cap. 2.*

Treasure troue.

Treasure troue, est quā aucun money, or, argent, plate ou bolion, est troue en aucun lieu, & nul conust a que le proprietie est, donques le proprietie de ceo appartient al Roie, & ceo est dyt treasure troue.

Mes

The Exposition of

Mes si aucun mineral de metall soit trouue en aucun terre, ceo toutes foies pertient al Seignieur del soile, forsque q'il soit mineral de or ou de argēt, queux serront tous foies al Roy, en quecūque soile que ils sont troues.

But if any mine of metall be found in any ground, that alway pertaineth to the Lord of the soyle, except it be a mine of golde or silver which shalbe alway to the king in whose ground soener they be found.

421 Tourne del vicont.

Tourne del vicont, est vn Court de record en tous choses que pertaine al tourne. Et est le leete le Roigne per tout le Countie, & le viscount est Iudge. Et quecunque ad vn leete ad mesme le authorite deins le precinct, sicome le vicont ad deins le tourne.

Shirifes tourne.

Sherifes tourne, is a court of recorde in all thinges that pertain to the tourne. And it is the Sherrifes lete thorough all the Countie, and the Sherrif is iudge. And whosoever hath a lete hath the same authoritie within the precinct, as the Sherrif hath within the tourne.

V.

422 View.

View, est quant aucun action reall est port & le tenant ne scauoir bien quel terre il est que le demandant demand, dōque le rent priera la view, cest ascauoir, que il puit veyer le terre q'il clama. Mes si le tenant ad ew le view en vn briefe, & puis le

View.

View, is when some action reall is brought and the tenant knoweth not well what lande it is that the demandant asketh then the tenant shall pray the view, that is to say, he may see the land which he claime. But if the tenant hath had the view in one writ, and after the

Termes of the Law.

182

Writte is abated in misnaming of the towne, or by isophtenure, & after the demandant bringeth another writte against the tenant, then y^e tenant shal not haue the view in the second writ.

brief est abatus per misnomer de ville, ou per isophtenure, & puis le demandant port vn tel bre vers le tenant, donque le tenant nauera le view en le second brieve.

423 *Vil laica remouenda.*

Vi laica remouenda.

Vil laica remouenda, is a writ, and is ueth where debate is betwene two Barons or prouisors for a Church, and one of them thrusteth into the Church with great power of lyeines, and holdeth the other out with force and armes, then hee that is holden out shall haue this writ directed to the Shyriffe that hee remoue the power which is within the Church, and the Shyriffe shall bee commanded that if he find any men there withstanding, that the Shyriffe shall take with him the power of his Countie if neede bee, and shall arrest the bodies of all the men resisting, and shal put them in prison, so that he haue their bodies before the King at a certaine daie to answer to the contempr.

Vi laica remouenda, est vn brieve, & gist lou debate est perenter deux persons ou prouisors dun Eglise, & lun enter en lesglise, oue graund power de les hōes & tient l'auter dehors oue force & armes, donq ce luy que est ten^r dehors, auera le dit brief direct al vicount que il remoua ce power qⁱ est deins leglise & serra command al vicount que sil troue aucuns homes luy resistants, que le vicont prendef ouesq luy la poyar de son countie si besoigne soit & ferra attach per leur corps tous ceux luy resistances & les mettera en prison isint qⁱ il eyt leur corps deuant le R. a certain iour de respo^rder del contempr.

Eg

The Exposition of

Et cest brieve est returnable & ne serra grant deuant q̄ leuesq; del lieu loutiel esglise est, eyt certifie en le Chauncerie tiel resistance & force.

And this writte is returnable, and it shall not be granted before that the bishop of þ place wher such a church is, hath certified in the Chauncerie such resisting and force.

424. Villenage.

Villenage.

TEnure en pure villenage, est a faire tout ceo que le seignior luy voit commander.

La diffinition de villenage est villeine de sank, & de tenure. Et il est de que son seignior prent redemption de sa fille marrier, ou soy mesme enfranchise, & le seignior puit luy ouste de ses terres ou tenements a sa volunt, & auxy de toutes ses biens & chateux.

Et note que Sokeman nest pas pure villeine, ne villein doit pas gard mariage ne reliefe, ne faire auter seruices reals.

Et nota que tenure en Villenage ne serra nul franke home villeine, sil ne soit continue puis le temps de non memorie,

TO holde in pure villenage, is to doe all that, that the lord will him command.

The diffinition of villenage is villein of blood, and of tenure. And it is he of whome the Lord taketh redemption to marrie his daughter, and to make him free, and it is he whom the Lord maye put out of his lands or tenements at his wil, and also of al his goods and cattell.

And note well, that a sokeman is no pure villein, nor a villeine oweth not ward, marriage, nor reliefe, nor to do any other seruices real.

And note well, that the tenure in villenage shall make no freeman villeine, if it bee not continued & ner luth time out of minde,

noȝ villaine land shal make
no frē man villeine, noȝ
frē lande shal make no
villeine frē, except that
the tenaunt haue continu-
ed frē sith the time of no
mīnde.

But a villein shal make
frē lande villeine by seisin
oȝ claime of the Lord. And
note well, that if a villeine
purchase certain land, and
take a wiſe and alien, and
dieth before the claime oȝ
seisin of the Lord, the wiſe
shal be endowed.

And note well, that in
case that the Lord bying a
Præcipe oȝ reddat againt
the alienor of his villeine
which voucheth to war-
rant the issue of the villeine
which is villein to the lord
hee shal haue the voucher,
and by protestation the
Lord may notwithstanding
that hee please with
his villeine, saue that his
villein shal not be enfran-
chised. And note wel that
a Bastarde shal neuer be
iudged villeine, but by
knowledge in court of re-
cord. And note well that
it debt be due by a Lord to
a frē man, and he maketh

ne villeine terre ne ferra
franke home villeine, ne
franke terre ne ferra vil-
leine franke, si non que
le tenaunt soit continue
frankment puis le temps
de non memory.

Mes villein ferra frank
terre villein per seisin ou
per claime de son seigni-
our. Et nota que si vil-
lein purchase certaine frē
& prent feme & alien &
deuie deuaunt le claime,
ou seisin de son seignior,
la feme ferra endowe.

Et nota, que en cest case
que le Sñr port Præcipe
quod reddat enuers lalie-
née son villein le q̄l vou-
che a garrantie le issue la
villein que est villein a la
seignior, il auera le vou-
cher. Et per protestation
le Sñr poit sauē (que non
obstant que il plede oue
son villeine) vncore son
villeine ne ferra mie en-
franchise. Et nota que ba-
starde ne ferra iammais
adiudge villeine si non
per consuſance en Courte
de record. Et nota que si
deit soit due per vn seig-
nior a vn home & il face
deux

• The Exposition of

deux homes. les execu-
tors, les queux sont vil-
leines al dit Seignior &
deue les villeins aueront
Action de dette enuers
leur seignior, Et nient
obstant que il pled oue-
que eux, & il face prote-
station, ils ne serront pur-
tant enfranchise, pur ceo
que ils sont a recouer le
dette auant d'ist al vse dun
auter person, cest assa-
noir, al vse leur Testator
& nient a leur vse de-
mesme.

Et si le tenant en
dower eyt vn villeine, le
quel purchaſe certain ter-
re en fee & puis le tenant
en dower enter, el auera
la terre a luy & a ses heirs
a tous iours, & mesme le
ley est de tenant a terme
dans de vn villeine.

Et nota que le seignior
poit robber, nauſter &
chastiser son villeine a sa
volunt, salue que il ne
puit luy maime, car don-
ques il auera appeal de
maihim enuers luy.

Et nota que villaine
poit auer trois actions
enuers sa seignior, cest

two men, his executor
the which be villeins to the
saide Lord and ogeth, the
villeins that haue an action
of debt against their Lord.
And notwithstanding that
he plede with them, and if
hee make protestation they
shal not be thereby enfran-
chised, for that that they be
to reconer the dette shal
saide to the vse of another
person, that is to saye to
the vse of their testator
and not to their owne
vse.

And if the tenant in
dower haue a villein which
purchaſeth certain lands
in fee, and after the tenant
in dower entreteth, she shal
haue the land to her and to
her heirs for euer more, and
the same lawe is of tenant
for terme of yeeres of a vil-
leine.

And note well that the
Lord may robber, beate and
chastice his villeine at his
will, save only that he may
not maime him, for then he
shal haue appeal of maime
against him.

And note well, that a
villeine may haue three ac-
tions against his lord, that
is

is to saie, an appeale of the death of his ancestour, an appeale of rape done to his wife, and an appeale of maim. And note well if ii. parceners bring a writ of niefe, and one of them bee nonsuit, the nonsuit of him shall be iudged the nonsuit of them both, so that if that nonsuite bee after appearance, they shall bee saued from that action for euer, for the lasse is such in fauour of libertie.

And note well, if two haue a villeine in common, & one of them make to him a manumission, he shall not be made free against both.

And note well, that in a writ de Natiuo habendo, it behooueth that the Lord shew how the def. commeth to be priue of the blood of the villeine of whom he is lord &c. And if he noz none of his ancestours were not seised of none of his blood, he shal not win by his action, if the villein haue not knowledged in Courte of Record himselfe to be his villein.

And note well that in a writ of Niefe may not be

ascavoir, vn appeale de mort son auneestour, vn appeale de rape fait a sa feme, & vn appeale de maim. Et nota si deux parceners port brieve de nieftie, & lun de eux soit nonsuite, le nonsuite de luy sera adiudge la nonsuite de ambideux issint q si le nonsuit soit apres appearance, ils seront saue de cest actio a tous iours, car la ley est uel en fauorem libertatis.

Et nota si deux ont vn villein in common, & lun de eux fait a luy vn manumission, il ne sera my enfranchuers ambideux.

Et nota que en bfe de Natiuo habendo il couiert que le S^r monst^r comment aueigna priue de sanke a celuy villeine de que il est Seignour &c. Et sil ne nul de ses ancestours ne soit seisi de nul de son sanke, il ne gainera per son action si le villeine nad pas conus en court de Record luy estre son villeine.

Et nota que en brieve de niefe ne pourront estre
mis

The Exposition of

mis plaours niefes que
deux tant solernēt, & hoc
introducitur fuit prius
in odium seruitutis. Mes
en brief de libertate pro-
banda, purront estre mise
tāts Niefs come le plain-
tif voudra.

Et nota que si le niefse
de seignior soit fue ē an-
cient demesne de roy ou
auter vill priuilegie,
deins lan & iour le seig-
nour poit luy seiser, & sil
demurt en la dit ville ou
lieu franchise per vn an
& vn iour sans le seisin de
sou seignior il nad my
power de luy seiser apres
sil ne va dehors le suidit
franchise.

Et aucuns sont villeins
per title de Prescription,
que tout iour sanke ont
este villeins regardants a
le maner dun Seignior
de tēps de non memory.

Et ascun sont fait vil-
leins p leur confession en
vn court de record. Auxy
le Sñr. poit fair vn ma-
nũmition a son villein &
luy infrāch. a tous iours.

Auxy si le villeine
port ascun actiō vers son

put more Niefs then tēps
and this was first brought
in the barres of bondage.
But in a writ de libertate
probanda may bee put as
many niefes as the plain-
tiff will.

And note well that if
the villeine of a Lord be in
auncient demesne of the
king, or other iourne priu-
leged, within a yere and
a day, the Lord may seise
him, and if hee dwell in the
same towne or other place
franchised by a yere and a
day without seisin of the
Lord, he hath no power to
seise him after, if hee goe
not out of the foresaid fran-
chise.

And some bee villeines
by title of Prescription,
that is to say, if they haue
been villeines regardants
to the manor of the lord of
time of no memory.

And some be villeines by
their confession in a court
of record. Also the lord
may make a manumission
to his villeine, and make
him free for ever.

Also if the villeine bring
any action agaynst his
lord,

lord, if it be not App. ale of
maim, and the Lord in the
answer unto it, then by
this the villenie is made
free.

Also if a villeine pur-
chase land, and hath goods
and sell the lands and goods
before any entre of seisin
made by the Lord, the sale
is good. But the King
which is Lord of a villein
in such case may enter and
take the lande after such
sale made, for no time run-
neth against the King.

Viscount.

Viscount, is either the
name of one degree or
state of honour vnder an
Earle or aboue a Baron,
or else the name of a Ma-
gistrate and Officer of
great authority: to home
we commonly call (Shi-
rife) or to speake more
truly (Shire reue) and
was at the first called
(Shiregereu) that is to
saye the keeper of the shire,
or the reue or ruler of the
shire, for (Gereu) being
deriued of the Saxon
woyde (Gerecan) to rule,

seignior, sine soit appel
de maim, & le seignior
a ceo sans protestation
fait reison, donqs p ceo
le villein est franchises.

Auxy si vn villeine pur-
chase terre, & ad biens
& vend les terres & biens
deuant aucun entre ou
seisin fait per le Seignior,
la vend' est bon, mes le
roy que est seignior de
villein e tiel case poit ené
& seiser le terre apres tiel
vendr fait, quia nullum
tempus occurrit regi.

Viscont.

Viscont, est ou le nosm
de vn degre ou state de
honor soubs vn Cont &
paramont vn Baron ou le
nosme de vn Magistrate
& officer del grand au-
thority q nous commu-
neunt appellomus (Shirif)
ou de parler plus veray-
ment (Shire reue) & fuit
al primes appel (Shire ge-
reue) c'e a dire custos coi-
ritus, ou le reue ou ruler
del countee, car (Gereue)
estant deriue de Saxon
paerol (Gerecan) pur rule,
A 2. j. fuit

The Exposition of

30
 fuit al princeps appel (Ger-
 recta) & alonques (Gere-
 fa) que batokou vn ruler.
 Et de ceo vient (Portreue
 ou Portgreue) vn nomme
 q'en viel temps fuit donc
 al chief officer dun ville,
 & signifie le gouverneur
 del ville pur ceo q' (Port)
 veniens de le latin parol
 porta, signifie vn port
 ville, & (Gereue) esteat
 derius, comé est auant dic
 signifie vn ruler, issint
 que Portgereue, ou come
 nous a dit. brieuement
 parle ceo (Portreue) est le
 gouverneur del ville.

Et issint fuit le chiefe
 Officer ou Gouvernor del
 Citie de Londres longe
 temps past. (deuant que
 ils ad le nom del Mayor
 ou Bailifes) appel, come il
 appiert en diuers vieulx
 Monuments: Mes prin-
 cipalment en le Saxo Char-
 ter de Guillian Bastarde
 le Conquerour, que issint
 commence.

William Cing greit
 Willia Bisceop, & God-
 frey Ges port Gerefan,
 and dalle the Burwarren
 the on Londo beon &c.

was first called (Gerrec-
 fa) and then (Gerefa)
 which betokeneth a ruler.
 And hereof cometh
 (Portreue or Portgreue)
 a name that in olde time
 was given to the head of-
 ficer of a Towne, and sig-
 nifieth the Ruler of the
 Towne for that (Porte)
 comming of the Latine
 worde Portus, signifieth a
 Port town, and (Gereue)
 being deriued as is afore-
 saide signifieth a ruler, so
 that Portgereue, or as we
 now moztter speak it (Por-
 treue) is the ruler of the
 towne.

And thus was the head
 Officer or Gouvernor of
 the Citie of London long
 since (before they had the
 name of Mayor or bailiff)
 called, as it doth appeare
 in diuers olde Monu-
 ments. But chiefe in the
 Baron Charter of Wil-
 liam Bassard the Conque-
 rour, which thus beginneth.

William the King greit
 with William the Bischope
 & Godfrey the Portreue,
 and also the Citizens that
 in London be.

So also they of Ger-
maine (from whome we
and our language toge-
ther first came) call a-
monge them one gover-
nour Burgreeue, another
Margreeue, and another
Landgreue, with such
the &c.

Thus much is said one-
ly to shewe the right Ety-
mon and antiquite of the
word (Shirif) to which
Officer our common Law
hath alwaies accordingly
giuen great trust and au-
thorite, as to be a special
preseruer of the peace. And
therefore all obligations
that he takes to the same
end, are as Recognisances
in law.

See also is a Judge of
recorde when hee holdes
the Leets or Turnes,
which are Courtes of re-
corde.

Also he hath the execu-
tion and retorne of writtes,
and empannelling of Iuries
and such like &c.

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Volunt.

Volunt is, when the re-
nant sheweth as he will

Isant ils de Garmanie
(de que nous & nostre
language ensemble pri-
merment vient) appel-
enter eux vn gouvernour
Burgreeue, vn auter
Margreeue, & vn auter
Landgreue, oue tiels
semblables &c.

Cest tant est dir tant-
seulement pur monstre le
droit Etymon & antiqui-
tie del parol (Shirife) a
quel officer nostre commu-
ley ad toutes foits accor-
dant done graund confi-
dence & auctorite, co-
me destre vn special pser-
uer del peace. Et pur ceo
touts obligatiōs q il prest
a mesme le purpose, sont
cōe Recognisances & ley.

Il auxi est vn Iudge de
record quant il tient les
Leets ou Turnes, les q̄ux
sont Courts de record.

Item il ad le execucion
& retourne des briefs, &
empannelling des Iuries,
& tiels semblables, &c.

Volunt.

Volunt est, quant le re-
nant tient a la volunt
A a. ij. del

The Exposition of

del lessor ou del seignior
& ceo est en deux man-
ners.

Vn est quant ieo face
lease a vn home de terres,
a tener a ma volunt, don-
ques ieo puis luy ouster a
mon pleasure: Mes si il
emblee le terre, & ieo luy
ousta, & longques il auera
son embleeint, & egressé
& regresse iusq. ils sont
mature pur eux scier &
carrier hors del terre.

Et iel tenaunt a volunt
nest pas tenu de sustay-
ner & repaier le meason
sicome tenant a terme de
ans est tenu: Mes si il
fait voluntarie wast, le
lessour auera vers luy vn
action de Trespas.

Auxi est auter tenaunt
a volunt del Seignior per
copie de court Rolle so-
lonque le custome del
manor: Et iel tenāt port
surreder le tre & le mains
de Seignior p le custome
al vsc vn auter pur terme
de vie, ou & fee simple, ou
fee tail, & donques il fin-
dra le terre del Sñr ou so-
Seneschall per copie, &
ferra fine al Seignior:

of the lessour, by of the
Lorde, and that is in two
manners.

One is when I make a
lease to a man of landes, to
holde at my willy, then I
may put him out at my
pleasure: But if he soke
the ground, and I put him
out, then hee shall haue his
corne, and going out and
comming in till they be
ripe to cutte and carrie of
the ground.

And such tenant at will
is not so bounde to sustaine
and repaire the house as a
tenant for terme of years
is bound: But if he make
wylful wast, the lessour shall
haue against him an action
of Trespas.

Also there is another
tenant at will of the Lord
by copie of Court Roll ac-
cording to the custome of
the Mannor: And such a
tenaunt may surrender the
lands into the hands of the
Lord by custome to the tre
of another for terme of life,
or in fee simple, or in fee tail,
and then he shall take the
lande of the Lord of his
Stewarde by copie, and
that make fine to the Lord.

But

But if the Lord put out
such a tenant, hee hath no
remedy but to sue by petiti-
on, and if such a tenant will
impled another of the lāos
ec. hee ought to enter a
plaint in the Court, & shall
declare in the nature of
what writte hee will, as
the case lyeth.

¶ **Voucher.**

Voucher, is when a Pra-
cipe quod reddat of land
is brought agāst a man,
and another ought to war-
rant the land to the tenant,
then the tenant shall bouch
hym to warrantie, and
thercupon hee shall haue a
writte called Summons ad
warrantizandum: And
if the Shiref retourne that
hee hath nothing by the
which hee maye bee sum-
moned, then there shall goe
forth a writte called Se-
quatur sub suo periculo, and
when hee cometh he shall
plead with the deman-
dant, and if hee come not,
or if hee come and cannot
barre the demandant, then
the demandant shall reconer
the land agāst the tenant,

Mes si le Seignieur ousta
tel tenant, il nād remedy
mes de suer per petition,
& si tel tenant voile em-
plede vn autre des terres
&c. il couient enter vn
plant en le court, & cou-
tera en le nature de quel
briefe il voit, sicōe le case
gist.

Voucher.

Voucher, est quant vn
Præcipe quod reddat
de terre est port vers vn
home, & vn autre doit
garrant le terre al te-
naunt, donques le tenant
luy vouchera a garrantie,
& sur ceo il auera vn
briefe appel Summons
ad warrantizandum: Et
si le vicon retourne que
il nād riens per que il
poit este summon, do-
ques il sera briefe appel
Sequatur sub suo peri-
culo, & quant il vient
il pledera onques le de-
maundaunt, & si il vient
& ne poit barre le de-
maundaunt, donques
le demandaunt recouera
la terre vers le tenaunt,

A. a. iii.

&c

The Exposition of

& le tenant recouera tant de terre en value vers le vouchee, & sur ceo il auera vn briefe appel Capias ad valentiam vers le vouchee.

Vide plus de Voucher deuant titulo Garraue.

428 Vses.

VSes de terre ad son commencement apres q le custome de propertie commence ent homes: Come ou vn esteant leisi de t'es en fee simple, fait yn feoffement al va auter sans ascun consideration, mes solement meaning que le auter serroit seise al son vse, & que il meisme voile prendre le commoditie & profits de les terres, & que le feoffee doit auer le possession & franktenement de ceo al meisme le vse &c.

Ore apres ceo sur bone considerations, & pur auoier diuers mischieses & inconueniences, fuit le Statute de An. 27. H. 8. ca. 10. puruiew, q l vn le vse & possession ensemble, assint que il que ad le vse

and the tenant shall recover as much land in value against the vouchee, and thereupon hee shall haue a writ called Capias ad valentiam against the vouchee.

Looke more of Voucher before in the title Garraue.

Vses of land had beginning after that the custome of property began among men: As where one being seised of lands in fee simple, made a feoffment to another without any consideration, but only meaning that the other should be seised to his use, and that he himself would take the commodity & profits of the landes; and that the feoffee should haue the possession and franktenement thereof to the said use &c.

Nowe after this good consideration, and to auoid diuers mischieses and inconueniences, was the Statute of Anno 27. H. 8. cap. 10. made, which butteth the vse and possession together, so that who hath the vse of

Nowe after this good consideration, and to auoid diuers mischieses and inconueniences, was the Statute of Anno 27. H. 8. cap. 10. made, which butteth the vse and possession together, so that who hath the vse of

of the land, the same hath
the possession thereof, and
according to the use he hath
therein by vertue of that
estate.

Usurie is a gaine of any
thing above the princi-

pal, or that which was
lent, exacted onely in con-
sideration of y^e loan, whe-
ther it be of corne, meate,
apparel, wares, or such
like, as of money.

And here much might
be said, and many cases
might be put concerning
Usurie, to wit, of purpose
to omit y^e money. I wilke
that they who accompt
themselves religious and
good Christians woulde
not deceiue them selues
by colour of the statute of
Usurie, because it sayth
that it shall not bee lawful
for any to take above x.
pounds in the C. li. for a
year, and so forth, by the
gaine, although falsely
that they may therefore
take y^e pound for the loan
of an hundred with a good
conscience, because the
statute doth allow a loan

de terre, il mesme ad le
possession de ceo, accor-
dant a l'usage que il auoyt
en ceo par vertue de cest
estatute.

Usurie est vn gaine de
aucun chose ouster le

principal, ou ceo que fuit
lent, exacte seulement en con-
sideration de le loan, soit
il de corne, viande, appa-
rel, wares, ou tielx sebla-
bles, come de money.

Et icy mult peut estre
dit, & diuers cases poyn-
dant estre mis concernant V-
surie, le q^l de purpaso ieo
omit, seulement ieo priu, q^l
ceux q^l accompt eux mes-
mes religious & bone
Christians, ne voylent de-
ceiue eux mesmes p^l co-
leur de le statute de Vsur-
ie, pur ceo q^l il dit, que il
ne terra loyal pur aucun
de prendre ouster x. li. en
le C. li. pur vn an & c. per-
que ils collect (mes faux-
ement) q^l ils poient p^l ceo
prendre x. li. pur le loan
de C. li. oue vn bon co-
science, pur ceo q^l le sta-
tute solongue en manner dis-

A. iiij.

dis-

The Exposition of

dispence oue' ceo (pur
ceo que il ne pounst
elx prendors) quel chose
il ne pout faire oue' les
leyes & ordinaces de dieu
car Dieu voile auer ses
decrees obserue' inuola-
ble, que dit, lende expe-
ctans pur nul chose pur
ceo &c. Per queux parolx
est exclude, le p'ncell de x.
li. v. li. ou de vn denyer
ouster le principall. Mes
plus pensant tiels que
cest statute fuit fait sur
tel cause, q' moua Moy-
ses de doner vn bill de
diuorce a les Israelites,
come nolement, pur a-
uoyer vn greander mis-
chefe, & pur le duritie de
leur ceurs.

Vilary.

VTlary, est quant exi-
gent issist vers ascun
home & proclamation
fait in v. counties, don-
ques a le v. countie si le
defendant nappere, le
coroner donera iudgement
que il serra hors de pro-
tection de Roy, & hors
del eyde le ley.

Et per tel vtlarie in

dispence withall. (As for
that it doth not p'miss
such taking) which thing
it cannot do with laws
and ordinaunces of God,
for God will haue his
decrees to be kept inuol-
lable, who saith, I am
lo king for nothing there-
by &c. By which wordes
is excluded, either the sa-
king of x. li. or one
penny above the principall.
But rather let such thing
that this statute was
made vpon like cause, that
moued Moyses to geue
a bill of diuorces to the
Israelites, as namely to a-
uoyde a greater mischefe,
and for the hardnesse of
their hearts.

Vtlarie.

VTlary, is when an exi-
gent goeth forth a-
gainst any man, a procla-
mation made in v. coun-
ties, then at the v. countie
if the defendant appeare
not, then the coroner shall
give iudgement that he
shal be out of the protection
of the king, and out of the
eyde of the ley.

And by such vtlary in
actions

actions personels the partie outlawed shall forfait al his goods and cattels to the king.

And by an vtлары in felony he shall forfait as well al his landes & tenements that he hath in fee simple, or for terme of his life, as his goods and cattels.

Also though a man bee outlawed, yet if any error or discontinuance be in the suite of the proces the partie thereof shall haue advantage, and for such cause the vtлары shall be reuerfed & adnulled.

Also if the partie defendant be ouer the sea at the time of the vtлары pronounced, that is a good cause of the reuerfall of the vtлары.

Also if an exigent bee awarded against a man in one Countie where he dwelleth not, yet an exigent with proclamation shall goe forth to the Countie where he dwelleth, or els if he be thereupon outlawed the vtлары may be reuerfed as it appereth by the Statute made the 6. & 4. year of king H. 8. cap. 4.

action personels le partie vtлары forfeitera tous ses biens & chateux al Roy.

Et per vtлары in felony il forfeitera auxy byen tous ses terres & teneours que il ad in fee simple, ou pur terme de sa vie, come ses biens & chateux.

Auxy mesque vn home soit vtлары, vncore si ascū discontinuance ou errour soit in la suite del proces, le partie de ceo auera la aduātage & put tiel cause lurlagary ferra reuerse & adnul.

Auxy si le partie defendant soit ouster la mere al temps de vtлары pronounced, ceo est bon cause de reuerlal del vtлары.

Auxy si vn exigent soit agard vers vn home in vn countie lou il ne demūrra pas, vncore vn exigent oue proclamation issira al county lou il demurre ou autrement sil soit sur ceo vtлары vilagarie puit este reuerse come appiert per lestatute fait anno 6. & 4. Henrici octauī, cap. 4.

Auxy

Auxy si vn soit vtlage in action personal al luire dun autre & puis il purchase son charter de pardon de Roy, tel charter ne serra iammes allow, tanque il ad sue vn brieve de Scire facias de garñ le partie plaintife, & si il appeare, donques le defendand respondera a luy & luy barre de sa actiō, ou autrement de faire agrement ouesque luy.

431 Verum.

Vtrum, est vn brieve & gist quant le droit dascun esglise est alien & tenu in laye fee, ou translate in possession dauter esglise, & le alienour deuine, donques son successor auera le dit brieve, per q vn enquest serra charge de trier virum sit libera elemosina ecclesie vel laicum feodum. Et nota que nul que ad couent ou common seale, puit maintenir cest brieve, mes brieve Dentre suo assensu capituli de alienation fait per son predecessour.

Also if a man bee outlawed in an action personal at the suit of another, & after hee purchase his charter of pardon of the king, such charter shall neuer be allowed, till he hath sued a writ of Scire facias to warrant the partie plaintife, and if hee appeare, then the defendand shall answer him, and barre him of his actiō, or else to make agreement with him.

Verum, is a writ, and it lyeth when the right of any Church is aliened & holden in lay fee, or translated into the possession of another Church, and the alienour dyeth, then his successor shall haue the said writ, whereby an inquest shalbe charged to try whether it bee the free almes of the Church or lay fee.

And note well that none that hath Couent, or common Seale may maintaine this writ, but a writ of Error shall assensu capituli of the alienation made by his predecessour.

Waife

Waife.

Waife.

Waife is when a thiefe hath feloniously stolten goods, and being nere-ly followed with hue and crye, or thus overcharged with the burden of trouble of the goodes, for his escape sake and more speedie traуaуling, without hue and crye, rieth away and leaueth the goods of anie parte of them behind him, then the Quernes officer, or the Sherre or Wapenre to the Lord of the manor (within whose iurisdiction or circuit they were left) that by prescription, or graunt from the Quene hath the fraunchise of waife, may seise the goods so waiped to their Lordes vse, who may kepe them as his owne proper goods: except that the owner cometh with freshe suite after the felon, and sue an appeale, or giue in euidence against him at his arraignment vpon the indictment, and be attainted thereof. In which

Waife, est quant vn laron ad feloniousment emblee biens, & esteant neerement pursue oue hue & crye, ou autrement surcharge oue le burden ou trouble des biens, pur son ease & plus speedie traуaile sauns hue & cry fuay & waiua les byens ou ascun part de eux arrere luy &c. donques le officer del Roigne, ou le Reeue ou Baylife al Seignour del manour (deins que iurisdiction ou circuit ils fuerount wayfe) que per prescription, ou graunt del Roigne ad le fraunchise de waife, poyent seiser les biens isint wayfe al vse de leur Seignour, q poet retaine eux come ses proper byens sinon que le owner vient ouelque fresh suite apres le felon, & sue vn appell, ou done en euidence enuers luy al son arraignment sur l'indictment, & il attain de ceo &c. En queux cases

The Exposition of

cases le primer owner
aura restitution de ses
biens issint emblee &
wayfe.

Mes nient obstat come
ad este dit, waife est pro-
permēt de biens emblees,
vncore waife poit este
auxy de biens nient em-
bles. Come si vn hōe soit
pursue ouesq; hue & crie,
come vn felon, & il fue &
relinquish ses biens de-
mesne &c. ils ferra prise
cōe biens waife, & forfait
cōm sils ad este emblees.

433 Waive.

WAiue, est vn feme
que est vilage, & est
appeal waive, quasi re-
licta a lege, & non vr-
lage come home est, car
femes ne sont iures en
leetes al Roigne, ne al ley
come homes sont, queux
pur ceo sont deins le ley
ou femes ne sont, & pur
cest cause ils ne poyent
este dit vil' entant que ils
ne vnques fueront deins
ceo. Mes vn home est dit
vilage, pur ceo que il fuit
vn foirs iure al ley, & a
ore pur contempt il est

cases the first owner shall
have restitution of his
goods so stolen and way-
ued.

But although as hath
bene said waife is proper-
ly of goods stolen, yet waife
may be also the goods that
are not stolen. As if a man
be pursued with hounds
etc, as a felon, and he fly-
eth, and leaueth his owne
goods etc. these shal be ca-
ken as goods waived, and
forfait as if they had bene
stolen.

WAiue, is a woman that
is outlawed, and she
is called waive, as left
out of forsaken of the law,
and not an outlaw as a man
is. For women are not
sworne in letters to the
Queene, nor to the law,
as men are, who therefore
are within the law, where-
as women are not, and for
that cause they cannet be
said outlawed in so much
as they neuer were within
it. Such a man is called an
outlaw, because that he was
once sworn to the law
and now for contempt he is
put

put out of the law, is cal-
led briaw, as one shoulde say
without benefit of the law.

mys hors del ley, & di-
ctus vilagatus quasi extra
legem positus.

Warwic.
Warwic (or wardwite as
some copies haue it)
that is to be quere of gi-
uing of money for keeping
of wariches.

Warwit.
Warwit (ou wardwite
come ascuns copies
ad ceo) hoc est quantum
esse de denariis dandis
pro wardis faciendis.

Wast.
Wast is where tenant
of a terme of yeeres, te-
nant for terme of life, or te-
nant for terme of anothers
life, tenant in dower, or te-
nant by the curtesie or gar-
den chivalry both make
wast or destruction by the
land, that is to say, pulleth
downe the house, or cut-
teth downe timber, or suf-
fereth the house to fall
up to fall, or diggeth the
ground, the heere in the re-
uersion shall haue one writ
for that wast, and shall re-
couer the place where the
wast is done, & treble dam-
ages. And if a man cut
downe timber without li-
cense, and therewith repa-
reth old houses, yet that is
no wast. But if he with
the timber builde a newe

Wast.
Wast est lou tenant
a terme dans, tenant
a terme de vie, ou te-
naunt pur terme d'auter
vie, tenant en dower, ou
tenant per la curtesie, ou
gardein en chivalry fait
wast ou destruction sur
la terre. s. il destruit
meison, ou coupe meris-
me, ou suffer le meaf vo-
luntarily pur eschier, ou
foder la terre, donq cestuy
en le reuersion auera un
briefe & recouer le lieu
ou le wast fuit fait & tre-
ble dam, mes si home
coup merisme sans li-
cence, & ouesque ceo re-
paire les auncient mea-
sons, vne ceo nest pas
wast. Mes sil ouesque le
merisme edifie un nouel
meison

The Exposition of

meison donques le cou-
per de tiel merisme est
wast. Aux le couper de
subboys ou willowes q
nest pas merisme, ne sera
dit wast, sinó que ils cres-
sount en le view del site
del meason.

house, then y cutting down
of such timber is wast. Al-
so the cutting downe of
underwood of willowes,
which is no timber shall
not be said wast, but if they
grow in y sight of shadow
of the house.

436

Wrecke.

WRecke ou varech cõe
les Normans de que
il vient appellont ceo, est
quant vn niese est perish
sur la mere, & nul home
escape viue hors de niese
& le niese ou part del
niese issint perishe ou
les biens en la niese vient
al terre dascun seigniour,
le seigniour les auera cõe
vn wrecke de mere, mes
si vn home ou vn chyen
ou chare escape viue, il-
sint q la partie a que les
biens sont veign deins lan
& iour, & proue les biens
desti ses, il auera eux ar,
p prouision del statute de
West. le primer ca 4. fait
en les iours del Roy Ed.
1. que en ceo followed le
decree de H. 1. deuant
que iours, si vn niese ad
estre mise sur le shore,

Wrecke.

WRecke or varech as y
Normans from whom
it came call it, is where a
ship is perished on the sea,
and no man escapeth a liue
out of the same, & the ship
or parte of the ship is per-
shed, or the goods of the
ship come to the land of a-
ny lord, the lord shall
haue that as a wrecke of
the sea, but if a man or a
dogge, or cat, escape a liue,
so that the partie to whom
the goods belonge come
withyn a peere and a day
and proue the goods to be
his, he shall haue them as
gaine, by prouision of the
statute of westm. 1. cap. 4.
made in king Ed. 1. dayes,
who therein followed the
decree of Henrie the first,
before whose dayes, if a
ship had bene cast on shore,
toyne

torne with tempest, and were not repaired by such as escaped alive within a certaine time, that the ship was taken for wrecke.

torne oue tempest, & ne my repaier per eux que escapont en vie deins vn certaine temps, que donques ceo fuit prise come wrecke.

437 Withernam.

Withernam.

Withernam, Toke therfore in the title Distresse.

Withernā, Vide de ceo deuant, titulo Distresse.

438 Warren.

Warren.

Warren is a place privileged by prescription or grant of the Quene for the preservation of Hares, Conies, partridges, and fealantes or anie of them.

Warren est vn lieu privileged p prescription ou grant del Roign pur le preservation del liuerets, conies, perdices & felants, ou aucun de eux.

FINIS.